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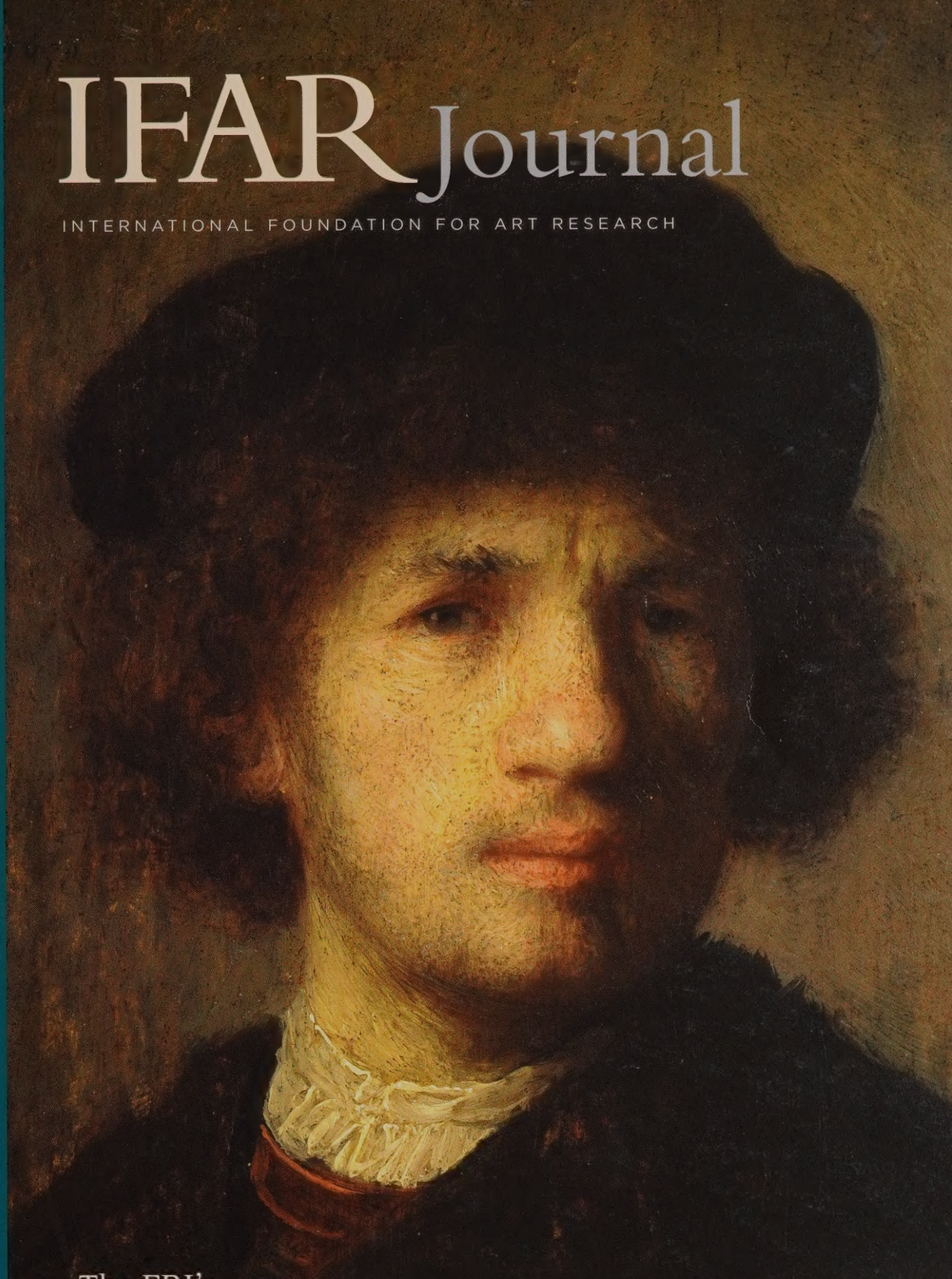

The FBI's New Art Crime Team

Lynn Nicholas on WWII Art Loot

Sting Operation Recovers Stolen Rembrandt

INCORPORATING STOLEN ART ALERT

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COVER: Rembrandt Harmensz. van Rijn (Dutch, 1606-1669). *Self-Portrait*, 1630. Oil on copper (image slightly cropped). See story on p. 2, this issue. PHOTO: The National Museum of Fine Arts, Stockholm.

STING OPERATION RECOVERS STOCKHOLM'S STOLEN REMBRANDT

Two Renoirs from Same Theft Recovered Earlier

It was on December 23, 2000 that a daring break-in at the National Museum of Fine Arts, Stockholm resulted in the theft of three prized paintings. And it was with comparable ingenuity that police recovered the last of those paintings in a "sting" operation in Copenhagen this September, nearly five years later.

The recovery of the third painting – an early Rembrandt *Self-Portrait* (Fig. 1 and Journal cover) – was the culmination of an investigation into organized art theft activities by local and national police forces on two continents and three countries – the United States, Sweden and Denmark. It also reinforced, yet again, the international nature of art theft and the multi-country law enforcement that tracks down stolen art.

On that December date in 2000, just before museum closing time, three armed and masked robbers brandishing machine guns stole two Renoirs – *Conversation* of 1879 (Fig. 2) and *Young Parisian* (also called "La Grisette") of c.1875 (Fig.3), along with the Rembrandt. The museum, which is located on the waterfront in Stockholm, was an inviting target. While one thief held museum security guards at gunpoint, the other two grabbed the paintings, located on an upper level of the museum.

All three then jumped into a waiting motorboat and fled in full view of museum staff and visitors, and helped their getaway by using tire spikes and car bombs to keep followers at bay.

Eight persons were later arrested and convicted for the theft. That included the thieves themselves and three men who received the stolen goods. Five others were also charged but were acquitted.

One of the paintings, *Conversation*, was recovered a year later, in Stockholm, as part of a police investigation of a drug case. Then a police officer, posing as an art expert, offered to buy back the work for the museum and succeeded in setting up a "buy."

But it was not until this year – 2005 – that the other two paintings were recovered – one in Los Angeles, the other in Copenhagen. However, the recovery of *Young Parisian* in Los Angeles in the spring was not disclosed for six months, as authorities decided to keep it secret until the third painting, the Rembrandt, was safely in their hands and its recovery announced in September.

FIGURE 1. Rembrandt Harmensz van Rijn, *Self-Portrait*, 1630. Oil on copper. Stolen from the National Museum of Fine Arts, Stockholm in December 2000; recovered in Copenhagen, September 2005.

LOS ANGELES

Renoir's *Young Parisian*, like *Conversation*, was recovered as part of a drug investigation. Investigators included Chris Collarco, the L.A. regional agent on the FBI's new Art Crime Team (see feature article on the Team in this issue of *IFAR Journal*), and Gary Bennett, an FBI Case Agent on the Organized Crime Task Force. Looking into a drug deal in California, they learned that the drug group that was in their sights had possession of the painting. With the intention of selling the work in California, the painting had years before been smuggled into the state via Los Angeles International Airport. The FBI recovered the painting, which was, fortunately, in

FIGURE 2. Pierre-Auguste Renoir, *Conversation*, 1879. Oil on canvas. Stolen from the National Museum of Fine Arts, Stockholm in December 2000; recovered in Stockholm, April 2001.

FIGURE 3. Pierre-August Renoir, *Young Parisian*, c. 1875. Oil on canvas. Stolen from the National Museum of Fine Arts, Stockholm in December 2000; recovered in Los Angeles, Spring 2005.

good condition, except for a scratch on its varnish. That recovery helped track down the third painting (the Rembrandt) by leading them to criminals still in the country where the theft happened: Sweden.

THE STING

To recover the last painting, law enforcement officials devised a "sting," an elaborate maneuver involving the cooperation of local Swedish and Danish police forces and the FBI and other members of the Organized Crime Task Force in Los Angeles. Key to the sting was getting the painting and the at-large art criminals to Copenhagen. There, a meeting was arranged in a hotel with Robert Wittman, Senior Investigator on the FBI's Art Crime Team, who posed as an art specialist interested in buying the work.

Wittman's first job was to make sure the painting that was brought to the meeting was the same painting that was stolen. Happily, it was! *The Self Portrait* – a small (12 x 15.5 cm), early work by Rembrandt on copper – was actually still in its museum frame. Along with the unique qualities of the painting itself, Wittman has told IFAR that he identified it "by the markings on the back of the frame – identical to those noted in museum records!"

To complete the sting, he paid the art theft gang "a deposit" in cash, while the transaction was secretly videotaped. Then his colleagues came in to make the arrests. Four men, in their twenties, and all residents of Sweden but of various nationalities (two Iraqis, a Swede, and a Gambian), were arrested and charged. (Two of them – the Iraqis Dieya Kadhum and Baha Kadhum – were among the people acquitted in the 2001 trial!)

The Rembrandt – in good condition – has been returned to the museum in Stockholm. Renoir's *Young Parisian*, on the other hand, is still in California, as a piece of evidence in the narcotics case that led to its recovery and which is still underway.

S.F.

THE PAINTING IS REAL THE NAME IS NOT

A literary thief can plagiarize part of a book, but it's hard to "steal" the whole book just by changing the name of the author. In the art world, in addition to the millions of dollars of art literally stolen each year, one can "steal" a painting by making a copy and passing it off as the original. You can also just erase the real painter's name and write in another, then sell the work for the higher price that the forged name will bring. This is not an uncommon scenario as collectors of Corot, for example, have found out the hard way.

And so it was that a painting by a well known outdoor and natural life painter named Henry McDaniel graced the cover this spring of a popular magazine for nature and fishing lovers – *Atlantic Salmon Journal.* (Fig. 1). The problem is that the painting bore the signature of another artist, John Whorf, also a major painter of natural water life scenes (Fig. 2) . DeCourcy Taylor, an art consultant to the magazine, saw nothing to raise a suspicion of fraud when the painting was first shown to him as a possible cover photo. It was not an untypical John Whorf painting – in style and content – and Whorf was a major artist in this area. Said Taylor: "It was simply a terrific piece of art worthy of the cover." [1]

So Taylor had high regard for Whorf, and also for McDaniel, whose paintings he had placed several times in the magazine. He had even put together a retrospective of McDaniel's work.

Whorf died in 1959. McDaniel is 99. "So," Taylor said, "when Henry [McDaniel] called to tell me it was his painting, I was shocked." The question is: why forge

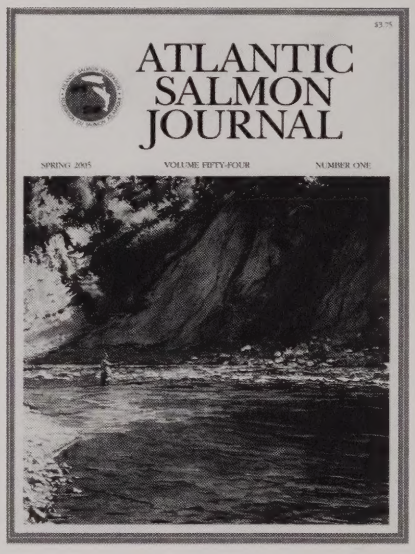

FIGURE 1. Cover, *Atlantic Salmon Journal,* Spring 2005, showing the painting *Matane River.*

FIGURE 2. Detail, lower right, of painting on cover of *Atlantic Salmon Journal,* showing signature of John Whorf (cropped on actual cover).

[1] As quoted by Martin Silverstone in "Stealing Henry's Name," *Atlantic Salmon Journal,* Summer 2005, pp. 60-65.

FIGURE 3. *Matane River* (unnamed pool) by Henry McDaniel as shown in *Ford Times* magazine, July 1957.

Whorf's signature on a McDaniel painting? The answer, apparently, is the usual one: greed. A Whorf painting of this type of scenario attracts a higher price than a McDaniel.

Taylor was frank enough to admit to a reporter that he hadn't seen through the scam. "After all, I know both artists' work intimately. McDaniel's style is very different from John Whorf's, but in this situation I was fooled."

The painting, of one of the "unnamed pools" on the Matane River near Quebec, had been sold by McDaniel in 1957 to *Ford Times* magazine, which was published as a travel magazine by the Ford Motor Company. Several McDaniel paintings were included in an article on Quebec's salmon rivers (Fig. 3). After the signature forgery was disclosed, McDaniel's son went on the Internet to search for John Whorf. Up popped an advertisement for Barridoff Galleries with the now-disputed McDaniel painting and one other – and both described – ironically –- as some of John Whorf's best work!

McDaniel corrected the signature on both paintings. And – again, ironically – there is new public interest in his work. As for McDaniel, even at 99, he is still keeping a sharp eye out for the culprit, even though he likes the notion that his work was of high enough quality to attract a forger. **S.F.**

ITALIAN ANTIQUITIES TRIAL — GET READY FOR A LONG PROCESS

Media coverage of the trial in Rome against Marion True, former Curator of Antiquities at the Getty Museum, and Robert E. Hecht, Jr., an American antiquities dealer living in Paris and New York, for conspiring to traffic in looted antiquities has been intense and, given the slow pace of Italian trials, does not appear likely to abate. (*IFAR Journal* will continue to cover it and, as the case develops, write a more extensive article.)

The specter of a distinguished curator of an American museum (as Ms. True was when the charges were filed) standing trial in Europe for acquiring objects for her museum is headline material. That the museum is one of the richest in the world adds to the interest.

The charges against Ms. True and Mr. Hecht stem largely from photographs found in 1995 during a Italian police raid of the Geneva, Switzerland warehouse of a third defendant, Italian dealer Giacomo Medici. Medici elected to have an expedited trial last year. He was found guilty, has protested his innocence, and is currently appealing a ten-year sentence.

The seized photographs – said to be thousands of Poloroids – show objects, some still covered with soil, that Italian authorities say were illegally excavated in Italy and exported in contravention of Italy's tough 1939 patrimony law, which vests ownership of newly found antiquities with the State. Some of these objects, Italy charges, landed in the Getty Museum through purchase or donation.

In 2001, Mr. Hecht's apartment in Paris was searched by authorities, and some of the charges are also based on materials found there, primarily, photographs and handwritten notes. In reality, at the age of 86, Mr. Hecht, under Italian law, is not going to be sentenced to a term in prison.

Nevertheless, the Italian government's decision to put True and Hecht on trial represents a new aggressiveness, as it were, in the decades-old battle by – on the one hand – antiquities-rich countries and archaeologists and – on the other – antiquities collectors, dealers and museums.

Although media coverage has largely focused on the evidence *against* the defendants – and by extension the Getty Museum – a strong public defense of Ms. True has come from a seemingly unlikely quarter, archaeologist Malcolm Bell III, who wrote an OpEd piece in November in the *New York Times*. "It is unfortunate," he said, "that a chief target of the prosecution is the Getty curator who has done the most to clean up the practices of her institution." It was Ms. True, he noted, (as did IFAR in the last issue of *IFAR Journal*) who implemented the Getty's tough antiquities acquisition policy in 1995, which is "arguably the strongest of any major American museum."

"A strong public defense of Ms. True has come from a seemingly unlikely quarter, archaeologist Malcolm Bell III . . . "

Other museums in the U.S. and Europe are understandably monitoring the case closely. Indeed, Paolo Ferri, the Italian prosecutor in the case, has declared that the charges against the Getty are only the beginning. Court documents in the current trial mention allegedly looted items in several other museums besides the Getty, including the:

- Metropolitan Museum in New York
- Museum of Fine Arts, Boston
- Cleveland Museum
- Princeton University Art Museum
- Toledo Museum of Art

Media coverage of the story has been led by the *Los Angeles Times* as part of its broader – some might

say heavy-handed – investigation of administrative practices at the Getty Trust, in particular, those of its President, Barry Munitz. (The Getty's financial practices are currently under investigation by the California Attorney General's office.) Using documents provided to it by the Italian prosecutors, as well as copies of private internal Getty documents, such as confidential memos and hand-written meeting notes provided to the newspaper by an unnamed source, the *LA Times* was the first to publish many of the specifics in the case against Ms. True.

Because Ms. True, the former curator at the Getty Museum, is the one on trial, the Getty Museum is receiving most of the attention. But the Metropolitan Museum, with its world-class antiquities collection, is also in the spotlight.

Metropolitan Museum Director Philippe de Montebello met with Italian authorities in Rome recently to discuss disputed works in the Met's collection, including the famous Euphronios Krater, a 6th century BC red-figured vase acquired through Mr. Hecht in 1972. The provenance of the Krater has been the subject of controversy ever since that acquisition. Although statements in the press following the Rome meetings seemed conciliatory, the Met has made no commitment to return any of the disputed works. It will do so, Mr. de Montebello is reported to have said, only if presented with proof that the claimed objects come from Italy. Such incontrovertible proof may be hard to come by.

"Other museums in the U.S. and Europe are understandably monitoring the case closely."

To American observers of the trial in Rome, the proceedings may look unfamiliar:

- The trial is taking place before a panel of 3 judges, no jury.
- Defendants in Italy are not required to attend the trial.
- Court hearing dates are announced in advance and may be several weeks apart.
- Only a few dates are scheduled between November 2005 and June 2006.
- The subject of each hearing is also announced in advance, and defendants can choose to attend those days which are of interest. Mr. Hecht told IFAR in December that he attended the preliminary hearing on November 16 and "spoke for ten minutes about objects that he caused to be returned to Italy," but that he would not attend the hearings scheduled for December. He will attend, he said, "when something concerning his case comes up."
- Ms. True attended the trial on December 5, but was not present at other hearing dates.
- As both Ms. True and Mr. Hecht are American citizens and non-residents of Italy, it is not clear what penalties could be enforced against them even if they are found guilty.

Meanwhile, this Pandora's box is opening wider and wider. The government of Greece has reopened a claim to the Getty Museum to return to Greece four antiquities that it says were smuggled, illegally, out of that country, and it is now threatening legal action.

S.F.

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THE NEW FBI ART CRIME TEAM

IFAR EVENING, JUNE 8, 2005

EDITOR'S NOTE:

In June, three members of the FBI's newly created Art Crime Team addressed an *IFAR Evening* audience at the National Academy. The program followed by five years IFAR's previous program on the FBI, "The FBI's Role in Art Fraud and Theft." The articles below, and the Q&A that follow, are edited transcripts of that *IFAR Evening*.

SPEAKERS:

ROBERT K. WITTMAN
Special Agent, FBI, Philadelphia, and Senior Investigator, Art Crime Team

JOHANNA M. LOONIE
Special Agent, Art Crime Team, FBI, New York

JANE A. LEVINE
Assistant U. S. Attorney, Southern District of New York, and Special Trial Counsel, FBI Art Crime Team

THE ART CRIME TEAM: AN OVERVIEW

ROBERT K. WITTMAN*

Good Evening and thank you for attending this *IFAR Evening.*

My name is Robert Wittman, and I am the Senior Investigator of the FBI's new Art Crime Team (ACT). By way of background, I have been an FBI Agent for 17 years. As the result of specialized training received from the FBI in art history, identification, and jewelry and gem identification, I have investigated art theft cases for most of my career. Since 1999, these cases have resulted in the recovery of more than $150 million worth of stolen artifacts representing everything from stolen paintings by Francisco Goya and Rembrandt to ancient Iraqi artifacts and, at one point, one of the 14 original copies of the United States Bill of Rights.

* Robert K. Wittman is a Special Agent, FBI, Philadelphia, and Senior Investigator, Art Crime Team. [Telephone contact: (215) 418-4141]

"The Art Crime Team consists of eight FBI Agents, each tasked with coordinating art crime investigations in a region of the country."

In November 2004, the FBI created the Rapid Deployment National Art Crime Team (ACT) to help combat the worldwide trade in illicit cultural property. The value of this criminal enterprise is estimated at between $4 and $6 billion per year. The United States is the largest consumer country in the world, and art is one of the largest unregulated industries in the U.S. Another impetus for the creation of the ACT is the unprecedented looting that has occurred in Iraq since 2003. It is estimated that more than $100 million worth of artifacts are being looted each year from there. All of these facts contributed to the formation of the ACT in 2004.

TEAM STRUCTURE

The Art Crime Team consists of eight FBI Agents, each tasked with coordinating art crime investigations in a region of the country (Fig 1). There are two agents in New York: Johanna Loonie, a speaker here tonight, who handles both New York City and the northeast region, which extends from New York to Maine, and James Wynne, who handles New York City. I have the Southeast Region, which extends from New York south to San Juan. The other agents are stationed in St. Louis, covering the Mid-South region; Indianapolis/Chicago, covering the Midwest region; Salt lake City, covering the Mountain/Four Corners region;

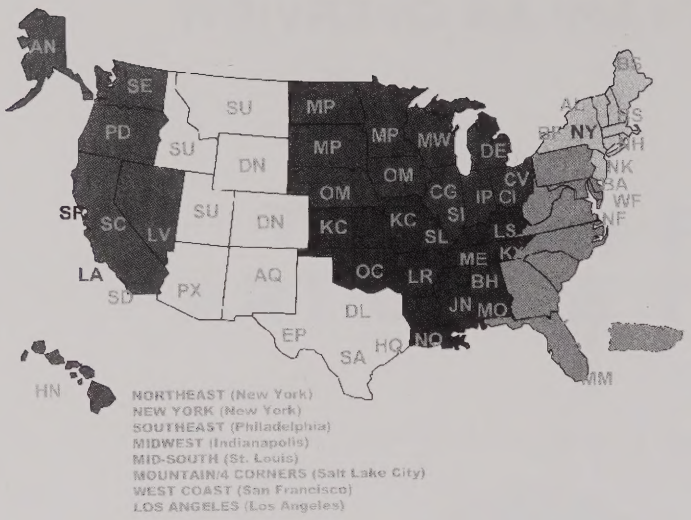


FIGURE 1. U. S. map showing the Art Crime Team regional assignments as of October 1, 2004.

and Los Angeles, covering the Western region.

Each of these agents has received specialized training in Philadelphia and in New York City regarding the art industry and is responsible for coordinating and assisting in art related cases in the FBI offices in their regions. For example, I am the Southeast regional agent, so I work with agents in offices such as Baltimore, Richmond, Washington, and so forth south to San Juan. That does not mean that I investigate all cases in the region, but I am available to assist when necessary and to identify and coordinate resources when needed.

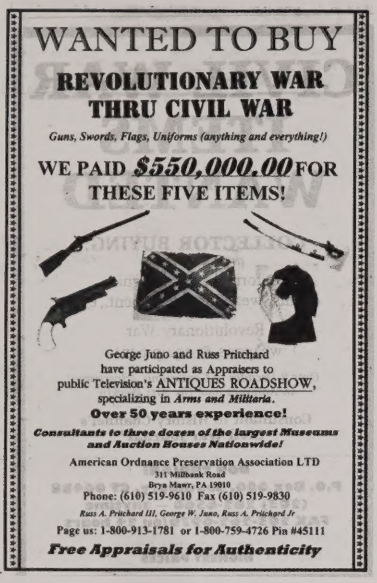
I mentioned training. In January 2005, the team assembled in Philadelphia for a week-long training. They attended a course at the Barnes Foundation in Merion, PA, which focused on the Impressionist collection housed there. Conservators at the Philadelphia Museum of Art demonstrated some of the techniques used to conserve and identify paintings, and curators at the University of Pennsylvania Museum of Archaeology and Anthropology walked the ACT agents through their galleries of antiquities and cultural exhibits highlighting the importance of archaeological preservation. We also discussed the methodology, or the "how to," of working art theft investigations, which often differs from other types of property crime investigations.

Another unique aspect of the ACT is that two Assistant United States Attorneys are assigned to the team as Special Trial Attorneys detailed out of the Organized Crime Division of the Department of Justice. These two attorneys are highly skilled in the prosecution of art cases. They are Robert E. Goldman of Philadelphia and Jane Levine of New York. Between the two, they have prosecuted more art cases than anyone else in the country, and they bring a wealth of knowledge and experience to the team. They were featured during the January training by explaining the federal statutes that are charged in art theft cases. Bob Goldman brought the first prosecution in the U.S. charging the Theft of Major Artwork Statute in 1996 and has broadened the applicability of that statute through appellate litigation. As national trial attorneys, both Bob and Jane are able to travel to bring a prosecution anywhere in the United States and have proven to be invaluable assets to the team.

A PORTRAIT OF ART THEFT

Having discussed the ACT structure and training, I would like to give you some idea of the portrait of an art theft. In museums, art thefts are perpetrated by individuals who have access to the collections. Out-

"Most often, art thieves are nothing more than common criminals awestruck by the high dollar value of art."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American Ordnance Preservation Association LTD
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Bryn Mawr, PA 19010
Phone: (610) 519-9610 Fax (610) 519-9830
Russ A. Pritchard III, George W. Juno, Russ A. Prichard Jr
Page us: 1-800-913-1781 or 1-800-759-4726 Pin #45111
Free Appraisals for Authenticity

FIGURE 2. Advertisement by appraisers George Juno and Russ Pritchard III touting their connection with the "Antiques Roadshow."

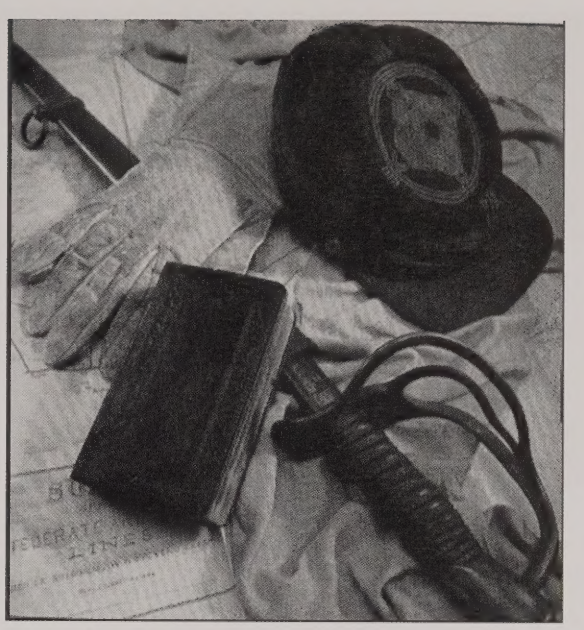


FIGURE 3. Confederate General George Pickett's kepi and sash. Bought for $80,000; sold for $880,000.

side theft is not common but, of course, does occur. These burglaries and robberies can sometimes be very violent. Art theft and illicit trafficking of cultural property amounts to billions of dollars per year, and the material travels between multinational boundaries. I have heard estimates of between $1.3 and $8 billion per year as the loss amount. That is a lot of money.

As the result of Hollywood movies such as the *Thomas Crown Affair* and *Entrapment*, the public perception of art thieves is that they are glamorous, intelligent, handsome or debonair individuals. This is very far from the truth. Most often, art thieves are nothing more than common criminals awestruck by the high dollar value of artwork. They often steal the material with no thought as to how to sell it. The true art to this type of crime comes not from the theft but from selling the artwork once it is stolen. More times than not, I have seen thieves sit on stolen artwork for years without an outlet to sell it.

Although theft is usually a violation of local statutes, the FBI does investigate thefts in some cases using federal statutes. These are

- Interstate Transportation of Stolen Property;
- Theft of Major Artwork (Museum Theft Statute);
- Hobbs Act;
- mail fraud;
- wire fraud; and when appropriate,
- smuggling.

The following discussions are of a number of cases where these statutes were used.

THE "ANTIQUES ROADSHOW"

The first case was concluded in Philadelphia about two years ago. It involved a company known as the American Ordnance Preservation Association (AOPA). The company employed a pair of appraisers, George Juno and Russ Pritchard III, who made their reputations nationally on the "Antiques Roadshow" television series. The appraisers were touted as experts in identifying and valuing U.S. militaria (Fig. 2). They used the television notoriety to give themselves credibility and to generate interest from families throughout the country who had ancestral militaria collections.

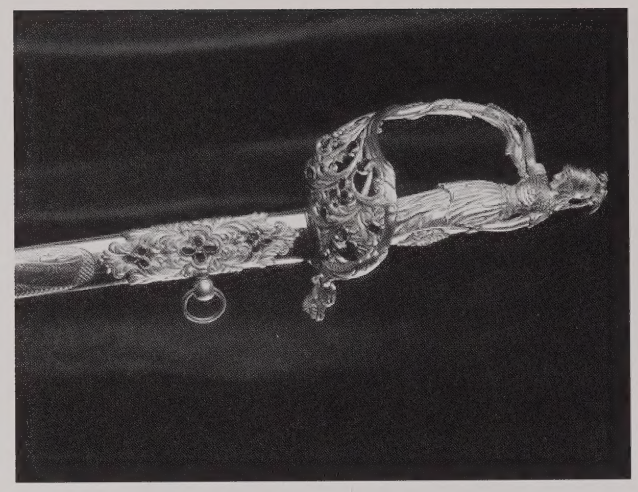


FIGURE 4. The "Wilson Sword," fraudulently acquired for $8,000 and sold for $35,000.

FIGURE 5. William Richardson Hunt's Confederate uniform, fraudulently obtained, and sold for more than $70,000.

When they first started, the show was new, and they were not getting much action from the public. As a result, they set up a number of shills to bring in items for appraisal, which actually belonged to their company. The shills had made-up stories about the provenance of the items and the spectacular nature of the "finds" was enough to get Pritchard and Juno television time and more action on the show. Although the items were real, the scenarios were fake.

As the show's popularity grew, Pritchard and Juno's popularity grew, and they started receiving requests nationwide for appraisals of family heirlooms. In 2000, they approached a man named George Pickett, a relative of Confederate General George Pickett of Pickett's Charge fame from the Battle of Gettysburg. Pritchard knew that Pickett had artifacts from the battle that belonged to his famous relative and that they were very valuable. At that time, he was buying and selling Civil War artifacts for the Civil War Museum in Harrisburg, PA, and the Pickett artifacts would sell to the museum. Pritchard and Juno ended up buying Mr. Pickett's material for approximately $88,000 and turned around and sold it the same week for $880,000 to the museum (Fig. 3). They used false statements and promises to induce the sale. Mr. Pickett ultimately found out about the prices and lies and brought suit against AOPA. The FBI then investigated the case and brought an indictment. But while investigating that part of the case, we learned of other families who were also defrauded. One case involved a presentation sword that belonged to a family in New York (Fig. 4). Pritchard and Juno lowballed the appraisal and bought the sword for about $8,000 promising that the sword would be put in a place of honor for the family in the museum, thus inducing the sale. They ultimately sold the sword for $35,000 to a private collector.

In addition to fraud, they were also involved in theft. In one instance, Pritchard III's father, Russ Pritchard Jr., stole a valuable uniform of a Confederate officer (Fig. 5). The elder Pritchard obtained the coat for appraisal. He then told the owner that it was not real and had been given away to a charity. The uniform was later sold for more than $70,000. It has been recovered and returned to the rightful owner.

All three men were convicted of these charges. The case involved wire fraud, mail fraud and interstate transportation of stolen property. This is an example of how a numerous count indictment

FIGURE 6. Five of the seven Norman Rockwell paintings stolen in Minneapolis in the 1970's and recovered between 1990 and 2001. The three in the top row were recovered in Brazil.

could be brought involving several statutes in a single case.

INTERNATIONAL ART CASES

The Rockwell Files

Since this is an *IFAR Evening,* I would be remiss if I didn't discuss paintings. The case concerns seven paintings by Norman Rockwell that were stolen from a gallery in Minneapolis in the late 1970's (Fig. 6). Two of the paintings were recovered in Philadelphia in the late 1990's when they were consigned to a gallery for sale by a Brazilian owner. The gallery determined that the paintings were stolen and contacted the FBI. Two others were recovered later by the gallery they were stolen from, but that left three paintings still missing. As a result of investigation, we determined they remained in Brazil. In 2001, we made a Mutual Legal Assistance Treaty (MLAT) request to Brazil to help us recover the paintings. This was a new treaty, and this was the first such request made.

In December 2001, I traveled to Brazil to effect the recovery of the three paintings. They were entitled *So Much Concern, Summer* and the *Spirit of '76,* which was the most famous of the three. That painting was used as the front cover of *Boy's Life* magazine in July 1976, the 200th anniversary of the Declaration of Independence. It depicted a group of Boy Scouts marching in a fife and drum corps reminiscent of the famous Revolutionary War fife and drum picture.

Ultimately, with the help of Brazilian authorities, we were successful in recovering the paintings and bringing them back to the U.S. Parenthetically, we have a lot of cases in New York, especially with Christie's and Sotheby's, where we recover and return articles stolen from other countries. But you don't hear much about us getting our own cultural property back. Since we are a relatively young nation, we don't have antiquities like Iraq and Peru, but we do have our Norman Rockwells!

Operation Cuba

Another recent case the FBI was involved in concerned a number of paintings that were stolen from an heiress in Madrid in August 2001. The victim, Esther Koplowitz, the wife of a Spanish industrialist, was away from her summer home when a group of thugs overpowered her guard and stole 17 paintings and a number of sculptures (Fig. 7). As the result

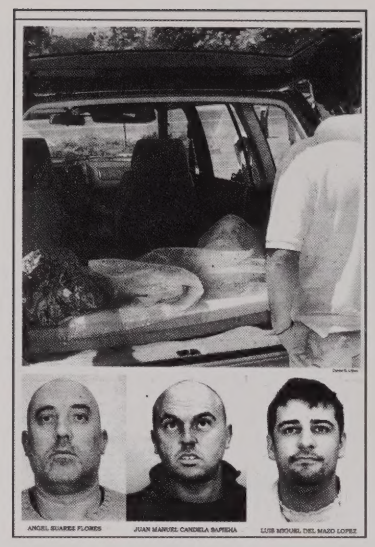


FIGURE 7. Three of the criminals involved in "Operation Cuba."

FIGURE 8. Pieter Brueghel, the Elder (Flemish, c. 1525–69). *The Temptation of St. Anthony.* Recovered in Madrid in July 2002 by the Spanish National Police with the help of the FBI.

"I know that you often hear the government say 'We're here to help you' and you are suspicious of that, but in this case we REALLY are here to help you!"

of information uncovered by the FBI in New York, an undercover operation was initiated which ultimately lead to the recovery of all of the artwork, valued at more than $50 million. This is the largest art recovery in history resulting from an undercover operation. Undercover agents posed as buyers for the paintings. When one of the paintings, Pieter Breughel's *Temptation of St. Anthony* (Fig. 8), worth about $4 million, was produced in Madrid, the Spanish National Police made the arrest. The stolen and recovered paintings included works by Francisco Goya (*The Swing*), Camille Pissarro (*Landscape*)and Foujita (*Young Girl With Long Hair*), as well as many other artists.

I'm going to pass the baton to Johanna Loonie, my partner here tonight. Please make note of my name, Robert Wittman, and phone number (215) 418-4141. I know that you often hear the government say "We're here to help you" and you are suspicious of that, but in this case we REALLY are here to help you!

Thanks for your attention.

NEW YORK AND THE NORTHEAST REGION

JOHANNA M. LOONIE*

Prior to joining the FBI, I was an attorney. I handled music contracts primarily, so it was a rather radical departure to enter the FBI in 1996. That puts me at the bottom of the experience spectrum tonight. Currently I am on the Art Crime Team, but I have also worked extensively on international car theft rings and local public corruption cases. Tonight I am going to take you through one case that will answer the question: Is working art fraud like *The Thomas Crown Affair?* The answer is an emphatic "No."

THE BASQUIAT CASE

This case involves several fake Basquiats that found their way into the market.

Jean Michel Basquiat, who died in 1988 at the age of 27, way before his time, is a noted modern graffiti artist. His life is probably just as curious as his work and sometimes gets more publicity than his work. But, lately, his work is getting the recognition that it deserves. The Brooklyn Museum recently had a terrific Basquiat exhibit that Gerard Basquiat, the artist's father, worked very hard to put together.

"Is working art fraud like *The Thomas Crown Affair*? The answer is an emphatic 'No'."

In contrast to many other art cases that the New York FBI office and the rest of the country handle, which are, for the most part, long-term, intense investigations, this case was addressed in a matter of months, from start to arrest. It began when we got information that there was an individual approaching New York area art dealers and collectors with a cache of purported Basquiat works. Unfortunately, his initial efforts were successful because he *had* the works, and he also had certificates of authentication, which, appeared to be real. Collectors of Basquiat's work know that the work must be accompanied by a certificate. After Jean Michel passed away, the Basquiat estate set up a system where all his works would have to go before the committee to be authenticated. The committee issues the certificate. It is a pretty routine authentication system. The estate is meticulous about its bookkeeping. So it is very easy to track when pieces came to the committee, how they were addressed and what the committee's reaction was. This individual, Alfredo Martinez, had great looking certificates. That is what sold his first victim on the

* Johanna M. Loonie is a Special Agent, Art Crime Team, FBI, New York. Contact information: (718) 286-7447. Contact information for James Wynne, Special Agent, FBI, New York, is: (718) 286-7302.

"Apparently, Alfredo copied the [Basquiat] drawings and the certificates that went with them. He had no home; he had no money, but he had enough wherewithal to get the materials."

pieces; he was comfortable with the certificate, but not particularly comfortable with the work.

Alfredo Martinez was a self-proclaimed artist. Although he had lived in New York for a number of years, he never left footprints. When we first heard about him, we ran a number of basic checks, but he didn't appear: no driver's license, no known address. He never had any noted presence. In a very small faction of the underground art scene, he was known to have a fascination with guns and drawing what appeared to be robots.

The facts in this case are as follows. Alfredo befriended a tragically shy individual who, back in 1982, had gathered twenty pieces of Basquiat's work. This individual, so the story goes, was walking down the street, after attending a party at Basquiat's apartment. During the party, Basquiat supposedly threw out a number of pieces of work, and this individual retrieved them from the trash. He had kept the pieces since 1982 and systematically, as he could afford it, was having them authenticated. Martinez convinced this individual to lend two pieces to an art show that Martinez was curating in Brooklyn. After the show, he returned the pieces. The victim was not suspicious. Martinez than asked to borrow the certificates of authenticity. He returned them after a couple of hours. The individual never asked for a reason. It went on from there. Apparently, Alfredo copied the drawings and the certificates that went with them. He had no home; he had no money, but he had enough wherewithal to get the materials to copy the works. Plus, he was able to create letterhead stationery. He was able to get all of the supplies necessary to create the aura of authentic works of art.

He sold the first two works for $38,500. That would not be the going rate for authentic pieces. However, the purchaser thought that he was just dealing with somebody who didn't realize what he had. Martinez continued to approach various galleries. When he tried to pitch five pieces to a gallery, we brought in Bob Wittman to act as an undercover art dealer. Through a series of phone calls, Alfredo struck a deal with Wittman for $185,000 for the five pieces. The works came with certificates of authenticity. They were Alfredo's "best" work. He has a reputation for being skilled at forging signatures. As for the letterhead, he almost mimicked the fonts precisely; he was off just slightly. A giveaway on at least one of the certificates was a misspelling.

A surprising aspect of this case is that Martinez was able to convince people to buy *anything* from him. Not only did he have no "footprints," no home, no history, but he often made his bed by living on other people's couches. His more private abode was a shipping container alongside the Gowanus Canal. He had no shower facilities; he was incredibly unclean. He did, however, have a certain amount of charisma that allowed him to overcome these handicaps and convince people to do business with him. The day of his arrest (in June 2002), we arranged for Martinez to come to a New York hotel to exchange the drawings for $185,000. I was present as the gallery assistant. As Alfredo came in the door, he blew right past me. He really wanted his money. That was my favorite moment because I was thinking: "It's all over for you in two seconds." So he charged in; he wanted the money. He handed over the works fairly quickly. We arrested him and, although he talked a lot, he refused to cooperate. He decided he wanted to go to trial. He stayed in jail for quite a while before the trial started. He eventually took a guilty plea (for wire and mail fraud) in the middle of the trial because a number of

witnesses testified and everything, apparently, contradicted what he had told his attorneys. So, I think, the evidence presented persuaded him to take a plea. He served 27 months in jail. We did him a favor by putting him in prison and taking him out of the shipping container.

After he went to jail, he enjoyed his Fifteen Minutes of Fame. When he went into jail he weighed far in excess of 300 lbs. But while in jail, he launched a hunger strike. Prison authorities took his art supplies away after he repeatedly drew pictures of various weaponry. He saw this as an infringement of his first amendment privileges to free speech. The hunger strike lasted 55 days, and he reportedly lost 185 lbs. This was covered in the *New York Post* and *New York* magazine. Alfredo actually drew a rendition of his own hunger strike, using jam, coffee, and tea bags instead of crayons. After all, if you are not going to eat, you might as well use the food for something else. Thereafter, he was able to smuggle a number of his works out of the jail, claiming that the envelopes and packages were legal documents for his lawyer. He sent the works to a number of people on the outside. *New York* magazine claims that he had shows in New York and in Paris as a result. We are aware of one show called "United States v. Alfredo Martinez" that he had in a Soho gallery. He made excellent use of the discovery materials that he received during the trial, including tapes of his recorded conversations with the undercover agent making the deal. *Art and Auction* covered this show. So here we have a case where we took someone off the streets. We thought we were doing the right thing, but now he has had more publicity than he ever had in his life. His so-called artwork of guns and robots is reportedly selling better than ever before. No good deed goes unpunished.

Before closing, I want to mention a possible art theft which has no connection to the Basquiat case, but it is important and has been covered in newspapers internationally. It concerns a painting by Ellen Emmet Rand, *Franklin Delano Roosevelt*, mixed media, 1934, that has disappeared from the Franklin Delano Roosevelt Library in Hyde Park, New York (Fig. 1). The portrait hung in the White House for a short period of time during Roosevelt's presidency. At the FDR Library, it was temporarily relocated during a renovation. Although newspapers reported that perhaps it was thrown away, that is highly unlikely. We believe that the work is out there, and we would like anybody who hears of anything to give us a call. Hearts are breaking in Hyde Park. I close with my contact information and that of my far more experienced colleague, Special Agent, James Wynne, in the FBI's New York office. If there is anything that you need, give us a call, and we will do whatever we can. Thanks.

FIGURE 1. Portrait of Franklin Delano Roosevelt by Ellen Emmet Rand discoved missing from Hyde Park in 2004.

THE LEGAL PERSPECTIVE

JANE A. LEVINE*

I am an Assistant United States Attorney in Manhattan. I will round out the evening by describing what a federal prosecutor can do to assist the FBI's Art Crime Team and then give you an overview of the types of cases that I and others in my office and my colleague, Robert Goldman, the other Assistant U.S. Attorney working with the Art Crime Team, have prosecuted.

By way of background, I am a lawyer with no special art or art history training. I have been with the United States Attorney's office since 1996. I started in the General Crimes Unit, which prosecutes garden variety crimes, and moved into the Asset Forfeiture Unit, the section of my office traditionally responsible for bringing criminal and civil actions to take the profit out of crime. Traditionally, asset forfeiture was the way to take back drug monies, but, in 2000, the forfeiture laws were expanded to apply to the proceeds of any kind of federal crime including stolen art, or art and antiquities that are derived from crime. That is where I started to work on art matters. In 2001, I moved from forfeiture into the Major Crimes Unit, which is responsible for investigating and prosecuting property crimes, financial frauds and things like that. That has expanded the scope of my work – not just retrieving stolen art, but investigating and prosecuting the underlying crimes. I have come to believe, and it has been my experience, that there is an important learning curve for lawyers and agents in this area. It is what makes the national Art Crime Team such a good idea. Agents like Bob and Johanna, and lawyers like myself, develop an understanding of the art world when we do this work. We learn the market, the language, the ways of behavior, the way art is created, sold, transferred, marketed, moved, and stored.

The FBI agents get to do all the exciting undercover work: they interview people, talk to artists and consultants, do all the fun stuff gathering the evidence for a case. So, why do they need a lawyer? What do I bring to the table, at least at the investigative stage of the case? We lawyers are there to give legal advice to the agents as they proceed with their investigation; good agents want to make sure that they are doing things properly because evidence that is improperly gathered in the course of an investigation may not be usable in court. We are here for them to ask questions. We also like to be involved early on so we can guide the investigation, to make sure that we get the proof that is necessary to establish elements of the crime. We also play a role in the Grand Jury investigation to indict; we present evidence and witnesses to a grand jury, and we issue subpoenas. Our biggest role comes when we're ready to charge. We go to court, draft legal papers. The case is turned over to us.

* Jane A. Levine is Assistant U.S. Attorney, Southern District of New York, and Special Trial Counsel, FBI Art Crime Team. Any views expressed are entirely her own and not necessarily those of her employer.

FIGURE 1. Wooden panel from the Great Mosque in Divrigi, Turkey, stolen in 1995 from a museum warehouse.

FIGURE 2. Marble wall panel from the Tomb of Wang Chuzhi, Hebei Province, China, shown just before its return by the U.S. to China in 2001.

What is Art Crime? The stealing of art and the possession and sale of stolen art is the most obvious category. Much of my work in connection with stolen art is in the international area, art and cultural heritage objects stolen abroad and brought to the U.S. for sale. One of my first cases involved a wooden panel (Fig. 1) that had been part of the Great Mosque in Divrigi, Turkey, which is a UNESCO World Heritage Site. The panel had been stolen in 1995 from a national museum warehouse storage facility in Turkey. In 1998 it was offered for sale at the Asian Art Fair in New York. It came to the attention of my office. We conducted a criminal investigation. (I handled the forfeiture aspects of the case.) We brought a federal action pursuant to the Cultural Property Implementation Act (CPIA) to forfeit the panel, so that we could seize and return it. Under the CPIA, property stolen (after enactment of the law) from a museum or a similar type of institution – in this case it was a museum's storage facility – from any country that is a State Party to the 1970 UNESCO Convention on Cultural Property is barred from importation into this country. The panel fell into the prohibited category of art and was, therefore, subject to forfeiture. We filed a suit. It was settled without opposition, and in 1999 we were able to return the panel to Turkey.

Another international stolen art case involved a marble wall panel from the tomb of Wang Chuzhi in Hebei Province in the People's Republic of China (Fig. 2). I mention it primarily to illustrate how we sometimes can successfully bring an action concerning artifacts looted from archaeological sites. The wood panel from Turkey that we just discussed had been stolen from a museum warehouse. That case involved a level of documentation and proof that was very easy to deal with. Something that is dug out of the ground, however, raises a host of other issues. The marble wall panel was excavated from an underground tomb by burglars who came to the site with very sophisticated tools, blasted a hole with dynamite, and took what they wanted. At the time, the tomb had not been officially excavated, but the Chinese knew that there was a tomb under the ground. It was in a protected zone. The authorities discovered the looting right away, and they were able to conduct an extensive investigation in China. They interviewed people in the town, and they took photographs of the crime scene showing where the panels had been ripped out by the thieves (Fig. 3). Because we were able to obtain such a complete report of the investigation from the Chinese law enforcement authorities, we were able to demonstrate that this particular panel came from that particular tomb, and when, all of which contributed to a successful action to seize and return it.

FIGURE 3. Tomb of Wang Chuzhi in China, showing holes where the marble panels were ripped from the wall in 1994.

FIGURE 4. Part of a collection of 19th century stamps stolen in Florida in 1999 and recovered in New York.

Bob Wittman made the point during his presentation that we rely on international cooperation to retrieve things that are stolen from the U.S. In my work, I also heavily rely on the cooperation of foreign law enforcement authorities. The tomb of Wang Chuzhi is an example: It was stolen in the Peoples' Republic of China and brought to the U.S. We relied on the quality of the Chinese investigation. As we have worked with our foreign counterparts, we have seen a greater sensitivity to the kind of things we need in order to prove our case. This is essential to our work and is gratifying.

In my opinion, a lot of things come under the rubric of art crime, including the theft and trafficking in other rare cultural collectibles such as coins and stamps, like the multi-million dollar collection of 19th-century stamps that were stolen at a stamp convention in Florida in 1999 (Fig. 4). The collection stayed underground for years, as much stolen art does. In 2003, two men came to midtown Manhattan to sell the stamps to a philatelic gallery. They were looking for fast cash and thought it was safe. We ran an undercover operation and, with the cooperation of the gallery owner, arrested them and recovered the collection. But they had brought only a small portion of the stamps to the gallery with, oddly enough, their original price tags still on them. This enabled the crooks, who knew nothing about collecting stamps, to know how much to charge. The rest of the stamp collection was in the Bronx. When the crooks hired a livery cab to take them there, the FBI pursued them and recovered everything.

Another case I worked on concerned a 1933 Double Eagle Gold Coin that was stolen from the Philadelphia Mint in the late 1930's (Fig. 5). We know it was stolen because in 1933 the U.S. went off the gold standard, and no gold coinage was legally released from the mint with a 1933 stamp on it. More than four hundred thousand gold coins had been pressed that year, but they were supposed to be melted down when Roosevelt signed the Executive Order taking the U.S. off the gold standard. The cashier at the mint thought otherwise, however, and took ten of the coins out of the building and into circulation. In the 1940's, the Secret Service was able to recover and destroy nine of the coins. But one of them remained out there. It turned up in New York in 1996 and was seized by U.S. Treasury agents. This was a case involving an abundance of American history, with too many twists and turns to cover here. I mention it to illustrate the types of crimes we work on under the rubric of Art Crime.

Another subsection of stolen art is the trafficking in archaeological and cultural heritage resources. Many countries in the world have passed ownership laws for cultural heritage resources. Egypt's laws were involved in the recent case of *United States v. Schultz.* Under U.S. law, if you knowingly

FIGURE 5. *1933 Double-Eagle Gold Coin* (front and back) seized by U.S. Treasury Agents in 1996.

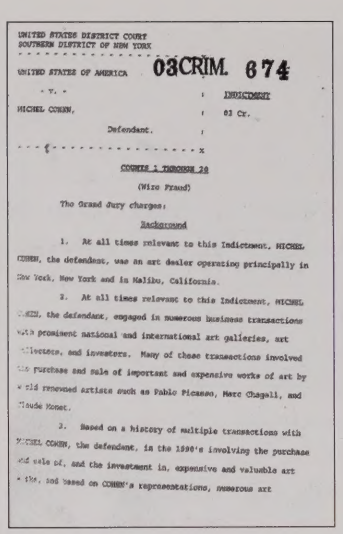
take, possess, or transfer interstate any property that was taken in violation of a country's ownership law, it is also a violation of U.S. law. U. S. law provides that if an object is owned – whether by a private individual or a nation – and it is intentionally taken or stolen, and if the goods are worth more than $5,000 and are transported interstate or over foreign lines, it is a violation of U. S. law. It is stealing.

Art crime, of course, also encompasses forgery and fraud. Johanna Loonie's Basquiat case was an example. Yet another example is the recent prosecution of a Manhattan art dealer, Ely Sakhai, who engaged in a long-standing international forgery scheme. Sakhai would purchase an authentic painting, commission artists to make excellent copies, including the backs of the paintings, and make the frames look vintage. The copies were sold abroad, typically in Asia, and represented as the real ones. The scheme also involved the use of certificates of authenticity. In this particular case, the dealer was – and for the most part still is – the owner of the paintings and has the original certificate. He was able to make an excellent forgery because he has the real painting to refer to, or, in some cases, he passed the original certificate with the fake painting because he could get a duplicate or sell the real one without the certificate. Just to round out the scheme, after selling the fakes, a certain amount of time would pass and then the real one would appear at auction. I think that was the goal: to get away with selling the real one, too. But Jim Wynne, another member of the FBI Art Crime Team, didn't let that happen and unraveled the scheme.

Forgery cases are fascinating and fun. It is fun to be in a room and to try to figure out what is the real work and what is not. Forgery cases also raise interesting questions, which I'm not going to answer. For one: What should the FBI do with fakes when the case is finished? Destroy them? Some people want them back. Release them? Well, that could lead to more fraud. France has a law declaring that the fake must be destroyed. We don't have any such law, but we grapple with these issues.

Another subject I wanted to mention tonight is Internet art crime, which is on the rise. You can buy anything on the Internet, including art. The Internet provides a convenient means for fraudsters to mask their true identity. Financial transactions are enacted over the wire. It is not face-to-face. Representations are made, such as, "certificate of authenticity available." You don't have to be too clever to think of the kinds of fraud that could be committed: posting a digital image of one work but sending another work when you get the money, or adding a signature to a fake painting.

"What should the FBI do with fakes when the case is finished? . . . France has a law declaring that the fake must be destroyed. We don't have any such law . . ."



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA 03CRIM. 674

- v. - : INDICTMENT

MICHEL COHEN, : 03 Cr.

Defendant. :

COUNTS 1 THROUGH 28

(Wire Fraud)

The Grand Jury charges:

Background

1. At all times relevant to this Indictment, MICHEL COHEN, the defendant, was an art dealer operating principally in New York, New York and in Malibu, California.

2. At all times relevant to this Indictment, MICHEL COHEN, the defendant, engaged in numerous business transactions with prominent national and international art galleries, art collectors, and investors. Many of these transactions involved the purchase and sale of important and expensive works of art by world renowned artists such as Pablo Picasso, Marc Chagall, and Claude Monet.

3. Based on a history of multiple transactions with MICHEL COHEN, the defendant, in the 1990's involving the purchase and sale of, and the investment in, expensive and valuable art [illegible], and based on COHEN's representations, numerous art

FIGURE 6. First page of the federal fraud indictment against Michel Cohen.

FIGURE 7. Jacopo de' Barbari, *Portrait of Christ*, c. 1503. Oil on panel. 31 x 35 cm. Returned to the Weimar Museum in December 2000.

Another area that we continue to investigate and prosecute is financial crime in the art market. Bob Wittman talked a bit about that regarding his "Antiques Roadshow" case. The art market is an unregulated industry where people turn over million dollar paintings without security to dealers and collectors to look at, appraise, or sell. That trust is frequently violated. Thus, art is taken on consignment and sold, but the owner never gets the money. The Michel Cohen case *(United States v. Michel Cohen,* Fig. 6) involved the sale of art works that Michel Cohen did not own. He claimed to own them, but he did not. He was indicted, and the case got much publicity, but he is a fugitive now. The financial fraud that we investigate and prosecute in the art world has its unique aspects, and it is important for agents and prosecutors to understand how consignment works. Not everybody in my office understands that word. Our experience in being able to work with other agents puts us a bit ahead of the game.

WWII looted art continues to be a lively area, with many cases pending out of my office. I cannot discuss the pending cases, but, as an example, I will mention a case that I handled a few years ago involving a rare Old Masters painting, *Portrait of Christ* (Fig. 7), by the artist Jacopo de' Barbari. The Weimar Museum in Eastern Germany owned this painting and hid it in the Schwarzburg Castle for safekeeping during the war. Many German museums did that. The painting and an inventory survived the bombing but did not survive the post-war occupation. The curator of the museum went to the castle when the war was over, took an inventory of the contents, and found that it was all there. When he went back a few days later, the place was ransacked. At least 13 very precious Old Master paintings: Dürer portraits, a Cranach, and so on, were gone. Many of them have turned up in the New York Metropolitan area over the last 40 or so years, spurring some famous litigation. The de' Barbari painting turned up in Long Island about 5 years ago. It had been in the home of an art teacher, who was also a nun teaching at a Catholic school. The work was in a frame covered by a poster. She loved the frame. The work was a gift from a priest who was retiring as principal of the school. When the nun brought it in to have the poster replaced with a picture of the Madonna, the framer thought it looked old, and he started to do a little cleaning. He did some research and figured out what the work was. He then contacted the museum and ran into legal troubles with my office when he told them "I have it" and then wanted to be paid for it. He would not tell us where the painting was, nor would he give it back. We had to execute a search warrant and file charges, but we did recover the painting, actually, and it is now back in Germany. It had a value of $5 million, yet it was hanging in the nun's tiny apartment in Long Island for all these years. It is an incredible story. And that is sort of an overview of the work my office does. Thank you.

THE NEW FBI ART CRIME TEAM Q & A

Q What is the role of the new FBI art team in connection with the Isabella Stewart Gardner Museum Theft?

A ROBERT WITTMAN (RW): The Gardner theft is an open case, and we continue to investigate every lead that comes in. For example, we recently received a call from out west where a collector saw Vermeer's *The Concert*. We investigated and found out that the painting was a copy, but it was still something we looked into.

Q This also relates to the Gardner theft. About 8 years ago, the *Boston Herald* reported that an art thief [William Youngworth III] met with the FBI and said, "I know where the paintings are, but you have to make a deal with me." The deal was: "I have to be given immunity, and my good friend has to be released from prison." The *Boston Herald* reported that the FBI refused to make such a deal. If that story was accurate, why did the FBI refuse to make such a deal and not get these paintings back?

A JANE LEVINE (JL): I can't speak to that particular decision because I work in New York, not in Boston, but I can tell you generally that the Department of Justice would never agree to those conditions in advance. We don't bargain that way. We will hear someone out and assess whether the information is accurate. If this person knew where the paintings were, he had an option of getting limited immunity for the purpose of telling us the information. If it panned out and could render substantial assistance to use in the prosecution or investigation, then, perhaps, we would consider entering into a cooperation agreement. But, in my experience, we do not give immunity first, and get information second. You can understand the abuses that could lead to.

A RW: Let me answer that too. The FBI doesn't have the power to forgive. If somebody is already in jail on a state charge, we didn't convict them of that crime; we don't have the power to get them out. The FBI is an investigative agency. Now, use your own cognitive reasoning and think about this. The friend [Myles Connor] got out of prison in 2000, and he just got locked up again in March 2005 for allegedly stealing $700 worth of jewelry in a smash and grab. Now, there is a $5 million reward. If he knew where the Gardner paintings were, why wouldn't he have collected the $5 million since 2000?

Q Are you suggesting that his information was not accurate?

A RW: I'm suggesting that if he wanted $5 million he would not allegedly be robbing a jewelry store for $700.

Q Does either the New York City Police Department or the New York District Attorney's Office have an art crime unit similar to yours?

A RW: I know they have one in Los Angeles. Detective Don Hrycyk from L.A. works an art crime detail, but I don't know about New York.

A JOHANNA LOONIE (JOL): For the most part, the Major Case Squad of the New York City Police Department handles matters of stolen art.

A JANE LEVINE (JL): I know of a few individual assistant district attorneys that have an interest, but I am not aware of a special unit within the District Attorney's Office. I am the art crime coordinator for my office (the U.S. Attorney's Office). I do not know whether the District Attorney's Office has an equivalent.

To expand on that. The New York City Police Department had an Art Theft Unit for many years. It was headed by Robert Volpe, father of Justin Volpe.

Q I have a question about the Pickett sale. What were the parties charged with?

A **RW:** It was mail fraud. They had sent letters back and forth stating that they could offer $80,000 from the museum, that they were representing the museum, and that their commission was 10%. They lied through the mail.

Q If the Pritchards had not used the mail but still had represented that the material was only worth $80,000, bought it, and then sold it for a huge profit, are they guilty of fraud, or are they just buying a bargain?

A **RW:** They could also have been guilty of Interstate Transportation of Stolen Property gotten by a scheme to defraud.

JL: Conversion by fraud.

RW: So they lie to the Pickett family. They convince the family to trust them, then sell it. Now the transportation of that material, obtained by that lie, through North Carolina, through Virginia, through Maryland to Pennsylvania, could be Interstate Transportation.

Q Are you saying that you are obliged to give someone a very fair price or you are guilty of fraud? Is that correct?

A **RW:** No, I didn't say that. I said that in that particular case, because they had made untrue representations through the mail that convinced the Picketts to do what they did, that constituted fraud. Ethically, I would think that when you would give an appraisal, you would give a person a decent shake. It is between you and your own god. I do not think it is illegal if you give a willing buyer what they want, or if they ask you for a specific price, but Jane can speak to that.

JL: I think it is a matter of criminal intent. We would have to prove beyond a reasonable doubt that the person acted with criminal intent and made misrepresentations or material omissions in the course of trying to obtain that piece of property. If you are not making any misrepresentations or omissions, you are just driving a hard bargain and you convince someone to part with their property for a lower price, that could be a different matter. I think in Bob Wittman's case there was evidence that there were misrepresentations: "This is a costume." That was a lie. A jury could consider that evidence of criminal intent.

Q Could you tell us the FBI's parameters for taking on a case as opposed to, for example, the local police department taking on that case? After all, you don't get involved with every single art crime.

A **RW:** That changes from office to office. The parameters for taking on a case, say, in Indianapolis might be a little less then, say, in New York City because of the volume of material that comes in. As Art Crime Team agents, however, we are interested in knowing any situation because it may feed into a bigger case somewhere else. . . .

Q You mentioned that the fellow who was playing around with the Basquiats was living in a shipping container on the Gowanus Canal. What the heck was he doing with all the money he was making?

A **JOL:** We have no idea where the $38,000 went.

Q Where was he painting?

A **JOL:** At a friend's location in downtown Manhattan, unbeknownst to the friend.

Q What happens to forfeited artworks? Are they ever kept in the country and given to a museum that is unrelated to the case?

AJL: There is a legal procedure for dealing with forfeited property. The first step is that the property is forfeited to the U.S.; the title is no longer with whoever had it. There is a procedure for anyone who believes he is the legal owner, to file a claim. So, with a piece of art that is stolen from a house, or a nation, or a museum, typically, the victim will come forth and say, "That is mine. I am the owner." We would not say to the victim "Sorry. We're keeping that" in order to put it in a museum. We would return it. They would be legally entitled to have it returned. Forfeited art is rarely kept at a museum. I suppose that if no one claims the property, and it is forfeited to the U.S., decisions would have to be made about what to do with it. It might be auctioned, it might be sold. That would be on a case-by-case basis.

Q How do you work with Interpol? For example, the work of art is supposed to be in Russia, or the work of art is supposed to be in the free port of Geneva, but the contact people are using the U.S. mail and are trying to sell the fake in the U.S. Whom should we contact, and how do you work with Interpol?

AJOL: An individual from Interpol in Washington works very closely with our team. We have a terrific relationship. When situations occur in other countries, we can use Interpol, and do. We also have legal attachés in a number of countries where FBI agents are permanently stationed. We can utilize their services to help us get information, do interviews. They can then liaison with the local police and authorities to assist in furthering the investigation. If you are aware of something going on, communications in the States concerning a work of art that is overseas, naturally I am going to say "call us."

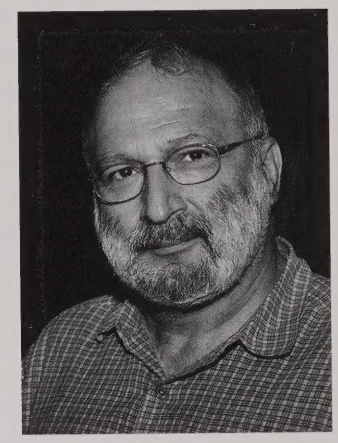
AJL: Interpol has a very extensive database on stolen art. The people who run that are a tremendous resource. We get notices from them regularly. We respond to their requests and send requests to them. It is all part of building relationships around the world so that we can be more effective when we are investigating our cases. If I need information from Italy or France, it is a community of the counterparts of Bob and Johanna who are in those places, working with the Carabinieri or the French police. We know those people. We talk to them directly or we go through Interpol. It is a building process.

Q If I took something from the ground in Peru 40 years ago and it turned up now, what could you do to me 40 years later? There has got to be a limit to what you can do. Or, if somebody stole something 100 years ago and it passed through their family's hands, there has got to be a time where they can say, "It's mine because it's been this long."

AJL: That is a good question. There are Statutes of Limitations for prosecuting criminal cases. Generally, they are 5 years. In the case of the major art theft from museums, the statute happens to be 20 years. That is the Gardner Museum-related statute. I will point out, though, as my forfeiture background, that if the piece was stolen ages ago and somebody knows it is stolen, smuggles it into the country knowing it is stolen, sells it, possesses it, it still may be subject to forfeiture. Or, we did not know that it was stolen until more recently, the forfeiture statute of limitations is going to be hooked to the later of the date that the offense took place or the discovery of the facts giving rise to them. So you are right, the criminal may not be able to be prosecuted that many years later, but people who are dealing with that property knowingly are continually in violation of federal law. Then there are the collateral crimes: the lying about something. For example, you know it is stolen, you lie about it. Well, that is a fraud. You did not steal it, but you know it is stolen. You want to move it, transfer it, do something with it, so you lie about it and make up provenance – lie about where it came from. Honesty is the best policy.

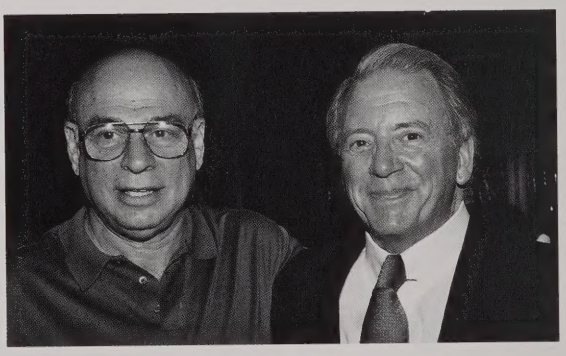
AN IFAR EVENING ON THE NEW FBI ART CRIME TEAM

Julie Abrams and Lawrence R. Stack.



Frederick Elghanayan.

Seena and Arnold J. Davis.



Robert A. Horn (left) and Peter R. Knipe (right).

Sandra Werther (left) and Ruth Kovner (right).

Milton Esterow (left) and Charles C. Bergman (right).

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A LOOK BACK AND FORWARD ON HOLOCAUST-ERA ART LOOTING AND RESTITUTION ISSUES

LYNN H. NICHOLAS*

IFAR EVENING, SEPTEMBER 29, 2005

EDITOR'S NOTE:

In 1988, Lynn Nicholas introduced her pioneering research on the fate of Europe's art in WWII to in IFAR audience. Her book, *The Rape of Europa*, was published six years later. On September 29, 2005, Ms. Nicholas again addressed a sold-out *IFAR Evening* crowd gathered at the Dahesh Museum in New York to take a look back and forward on the subject, which has since become headline news. The following is an edited version of her talk.

LYNN H. NICHOLAS
IFAR Evening, September 29, 2005

As I am sure you are aware, there has been a remarkable amount of very passionate activity in the area of art recovery since 1994, often accompanied by sensational press coverage, full of misconceptions. The first, and most often repeated, of these is that nothing was done to recover looted art until 1995 or so. That is quite wrong. In the years immediately following the war, enormous and extremely successful efforts were made to return displaced art, and, I would say, about 85% had been returned to its proper location by the early 1950's. In the 60's the German government also gave partial compensation to certain claimants for items assumed to have been destroyed. But by the early 70's the easily identifiable returns were over, funding for continuing efforts had dried up, and interest in the whole matter had virtually vanished.

"The first, and most often repeated, of these [misconceptions] is that nothing was done to recover looted art after 1995."

It was actually more than 20 years ago that I saw the obituary of Rose Valland, heroine of the French Resistance, in the *Herald Tribune.* It said, among other things, that she had been a curator at the Louvre, and that she had been responsible for saving and recovering thousands of works of art (Figs. 1 and 2). I was living in Brussels at the time, without any particular commitments, and my museum blood having been stirred up by curiosity, I decided to find out just

* Lynn H. Nicholas is the author of *The Rape of Europa: The Fate of Europe's Treasure's in the Third Reich and the Second World War* (1994) and *Cruel World: The Children of Europe in the Nazi Web* (2005).

FIGURE 1. Rose Valland, in her postwar French army uniform, examines a recovered work. Photo: National Archives.

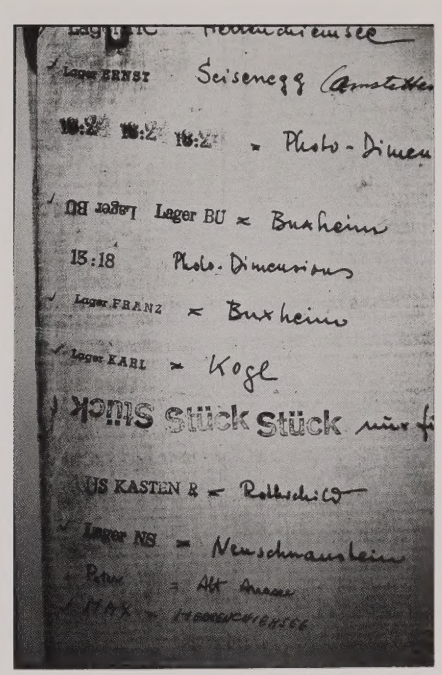


FIGURE 2. A secret list of repository code names used by the Germans kept by Rose Valland. Photo: National Archives.

what *had* happened to museums during World War II. Despite the fact that, during the Cold War, the National Gallery of Art, where I worked for a time, had two large trucks parked in the loading dock area at all times, which were supposed to be used to evacuate important works in case of attack by weapons of mass destruction, I had never given any thought to what had happened to works of art in previous wars. The trucks were kind of a joke among the staff – no one could figure out how anything could possibly be moved during the four minute warning – which was the amount of time we were all going to have as the missiles came toward Washington, DC. Mainly the trucks were regarded as unnecessary occupants of prime parking spaces, more priceless at that time than any painting.

I started my investigations in Brussels, asking people at the museums there what they had done. As the story slowly emerged, all the Europeans were astonished at my ignorance and kept directing me to people like the late Edith Standen, longtime curator of tapestries at the Met, and Perry Cott, chief curator of the National Gallery, who had actually been my boss for a time. And so it was, that upon my return to Washington in 1984, I began the real work. As it turned out, no one had ever asked any of the people who had been involved in the recovery and protection of art during the war about their work. I was very lucky. Since I had worked at the National Gallery off and on, I knew many of them, and without exception, they were delighted to share their memories, papers and photographs. Of course, some people were suspicious of possible yellow journalism on my part. I remember going to visit the sculptor Walker Hancock at his studio – a beautiful place on a pond. He had set up a recorder to tape all my questions so he would be able to prove what he had and had not said.

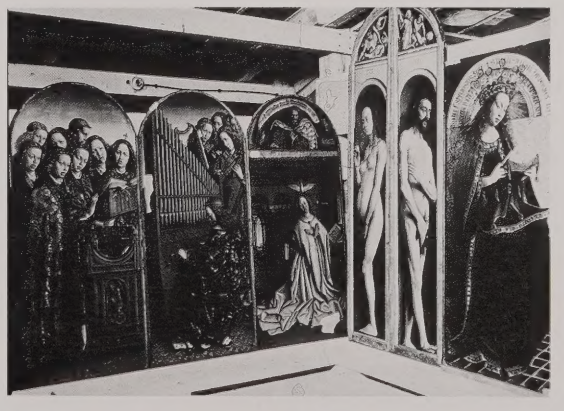
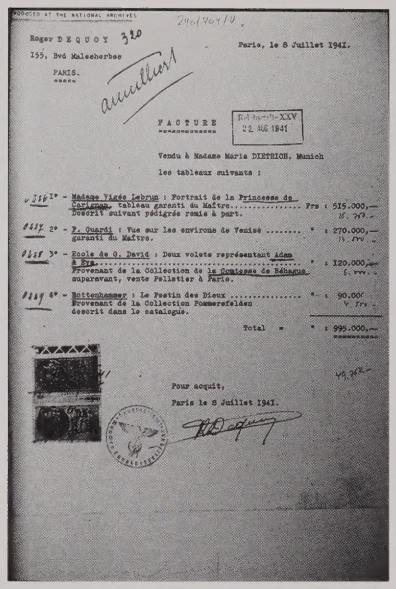


FIGURE 3. Panels of the Ghent Altarpiece as they were found in the salt mine at Alt Aussee. Photo: National Archives.



Roger DEQUOY 320
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Paris, le 8 Juillet 1941.

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Provenant de la Collection Pommersfelden
décrit dans le catalogue.

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Paris le 8 Juillet 1941.

FIGURE 4. Invoice of works sold by Roger Dequoy, Paris, to Maria Almas Dietrich, who specialized in acquisitions for Hitler. The sale was cancelled when the works turned out to be fakes. Photo: National Archives.

But we had so much fun that when the machine turned itself off neither one of us noticed. He had hundreds of pictures showing his involvement in the rescue of works of art, but what I remember most was that the chair I was sitting on was draped with an old sheepskin which turned out to be one of the German Army greatcoats that didn't make it to Stalingrad, but was later used to wrap up things like the Ghent Altarpiece for shipment home after it was found hidden in the salt mine at Alt Aussee in Austria (Fig. 3).

The amount of information on the recuperation of art available in Washington alone to anyone who bothered to look was staggering. Literally tons of documents on this subject are in the holdings of the National Archives, the Library of Congress, the Archives of American Art, the Treasury Department and various other agencies. When one adds to that museum records, dealers' records and the huge government holdings in Europe, the task of finding all the facts about a missing work is humbling indeed. On the other hand, working with the original documents is fantastic. It is hard to describe how exciting it was to find the files containing Goering's invoices (Fig. 4) or the actual correspondence between Hitler, his personal curator Hans Posse and his secretary Martin Bormann – often annotated by Hitler himself. After a time it was possible to recognize each one's handwriting.

I really began the whole thing the wrong way around: The amazing exploits of the Monuments Men (the art specialists who worked for the Allies), plus those from all the other nations, including Germany, who protected works of art, could not be understood without considerable analysis of Nazi thinking and policy. I was initially interested in the issue as history – as a thing of the past – and I was well along with my research before the issue of what had NOT been recovered even occurred to me. The revelation came first in the person of Dr. Klaus Goldmann, from the museum of Vor-und Frühgeschichte at Schloss Charlottenburg in Berlin, where the Schliemann treasures from ancient Troy had last been seen. He had developed an amazing conspiracy theory about the whereabouts of the Trojan Gold. At one point he came to my house for dinner and spent four hours talking about the idea that the treasure was at Fort Knox. He had done a huge amount of work in the military records and had all sorts of train and ship schedules and much more "proving" this theory. By then I was quite aware that there had been considerable hanky panky where restitution was concerned, but being the child of a military officer and having married into another bureaucratic family and having worked in the Pentagon, I felt sure that hiding tons of ancient golden treasure in a military facility without leaving any paper trail or producing any leaks would not be possible. Where it was quite possible, was, of course, the then USSR, which is where the treasure actually had gone and still remains. The point of this is not to show how smart I was, but to show how easy it is to come to the wrong conclusion by not looking at enough records.

"Museums rightly resent being characterized as an axis of evil. But their holdings are the most visible ones . . ."

"In the pursuit of justice, as in medicine, it is important to do no harm, and real justice depends on complete information considered in its historical context. Tonight I will remind you, once again, of why almost every work of art in Europe was in the wrong place in 1945, and why they still turn up all over the world."

The records are only one aspect of the Restitution phenomenon. Politics and world events such as the demise of the USSR and the continuing events commemorating World War II, with their re-examination of what had been done in the first years of peace, much of which, when revisited, was clearly not justified, certainly made an enormous difference to the development of the field. Added to this was the continuing expansion of Holocaust studies as a major field of inquiry. From these investigations also came the Swiss Gold and Slave Labor issues. All this was further fuelled by the gigantic increases in the value of many of the missing objects. The result of all the interest has been the creation of a plethora of organizations and law firms specializing in art and asset recovery, and hundreds of lectures, meetings, congressional hearings, lawsuits and symposia, most important among them the U.S. State Department's Washington Conference on Holocaust Era Assets in 1998 and, especially, the landmark Bard Symposium in January, 1995, where Russians, Germans and western Allied participants in the original recovery of art met each other for the first time. By now, every affected government has dusted off old files, made new lists of what is missing and set up special investigation offices. The Internet has transformed the science. Many museums, after long and painstaking research, have now put objects with provenance "gaps" up on their Websites, and in this way a number of items have been reunited with their owners.

The art world, and especially the museums, has been shaken up by the restitution earthquake. The museums rightly resent being characterized as an axis of evil. But their holdings are the most visible

FIGURE 5. One of the "Lubomirski" drawings by Albrecht Durer looted by the Nazis in Poland. Presently in the Lehman Collection at the Metropolitan Museum of Art, NY.

ones, and in some countries, where the museums are government entities, they were, and still are, the repositories of quite large numbers of works which had never been restituted. While a lack of effort to return works is reprehensible, determining title to these last remnants of displaced art is, in many cases, not easy. Sometimes the owners were collaborators, sometimes it is not clear if a sale was forced or not. Above all there has been a subterranean market which has dispersed items all over the world. It is very clear now that dealers of all stripes were involved in all sorts of deceptions, but their true motives are often not known. Some were protecting other people; some were happy to wait a generation to bring purloined items forth. Sometimes the problem was one of family feuds: a person, having received back looted works, sells them without the consent of the rest of his family or the institution in which they were formerly housed. This was the case with the now disputed Lubomirski drawings, sold to museums all over the world (Fig. 5). It is, as I am sure you all know, very complicated.

The looting of artistic patrimony and of personal possessions is an issue that can never be separated from emotion, representing as it does, one major manifestation of the Nazi attempt to remold the

FIGURE 6. Auction of "degenerate" art at Galerie Fischer, Lucerne, 1939. On the block a *Self Portrait* by Van Gogh, formerly Neue Staatsgalerie, Munich, now Busch-Reisinger Museum, Harvard University, Cambridge, Massachusetts.

FIGURE 7. The *Victory of Samothrace* descending the Louvre staircase, September 3, 1939.

world according to their vicious ideology. But in the pursuit of justice, as in medicine, it is important to do no harm, and real justice depends on complete information considered in its historical context. Tonight I will remind you, once again, of why almost every work of art in Europe was in the wrong place in 1945, and why they still turn up all over the world.

THE EARLY YEARS — GERMANY

The Nazi reshuffling of works of art began as soon as Hitler came to power in 1933. From the beginning his aim was the creation of a pure, Germanic Empire, and art was not exempt. In Germany itself the art world must be purged of so-called "degenerate" works and of the artists responsible for them. For instance, anything "unfinished" or abstract like the *Blue Horses* by Franz Marc, never mind that the artist had died for Germany in World War I, or works by Emil Nolde, even though he was a member of the Nazi party. Jewish artists like Max Liebermann and Camille Pissarro were out, as was George Grosz because he mocked the Prussian military establishment. The bans were well enforced by the Gestapo, who would even visit artists' studios and feel the brushes to see if they had been recently used.

The German museums, ordered to rid themselves of such works and concentrate on realistic Germanic art, were not always sure what should or should not go. Some of their curators resisted the purge by hiding paintings, or returning them to lenders. Dealers helped to "save" things by suggesting that certain works be quietly given to them for sale to dealers and collectors in other countries. Soon there was a thriving trade of works banished from Germany which was especially beneficial to the new and growing collections of modern art in the United States.

In 1937, impatient with the slow pace of the de-accessioning, Hitler and Goebbels sent committees of Nazi artists and theorists right into the galleries of their state museums to point out what had to go. This was not always easy: one landscape by Lovis Corinth was spared when it was decided that the "degenerate" sky was outweighed by the acceptable landscape. In the end more than 16,000 works were purged, and to make sure everyone got the message, a selection was exhibited in a series of Degenerate Art shows in Munich and elsewhere.

The Nazis were not so pure as to ignore the value of the purged works. Goering was the first to exploit the commercial possibilities, and it was his agent who took the famed *Dr. Gachet* by Van Gogh to Hol-

"Outright confiscation did not begin in Germany itself until 1938, after the extreme looting in Austria at the time of the Anschluss and the vicious events of Kristallnacht . . ."

land and sold it. Later a secret marketing organization was set up at Schloss Niederschönhausen in Berlin where one could obtain banned items for foreign currency only – often only a few dollars or Swiss francs. Kirchner's *The Street*, now at MoMA, went for $160. Needless to say, dealers took full advantage of this operation. To speed things up, the Nazi government put on a full-fledged auction in Switzerland in 1939 (Fig. 6), where Joseph Pulitzer, there on his honeymoon, bought Matisse's *Bathers with a Turtle* (St. Louis Art Museum), and other high grade objects were sold to international buyers. Many of the leftovers in Berlin were eventually burned. De-accessioned degenerate pictures, if they were owned by state museums, are not usually considered to be loot. But the degenerate art policy is important because it would deeply influence what the Germans took from other countries later on.

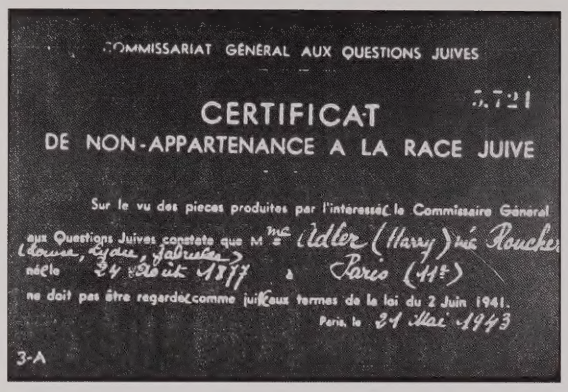
The purging of degenerate art paralleled the purging of what the Nazis considered degenerate or alien races. The first idea was to force such people, principally Jews, to leave Germany. But before they left, they would be forced to sell most of their assets. Some had seen the coming disaster early: the great collector Robert von Hirsch in 1933 persuaded the Nazi authorities to allow his incomparable collection, loaded with "Germanic" national treasures, to leave the country by bribing Goering with *The Judgment of Paris* by Lucas Cranach the Elder (now in the Kunstmuseum, Basel). By 1937 such opportunities had vanished. Outright confiscation did not begin in Germany itself until 1938, after the extreme looting in Austria at the time of the Anschluss and the vicious events of Kristallnacht, "the night of broken glass," in November of that year.

FIGURE 8. Leonardo da Vinci's *Lady with an Ermine* returning to Cracow in 1946. Photo: National Archives.

As it became clearer to the museums in Western Europe that Hitler was headed toward war, major protective preparations began. This was the first war in which the bombing of cities would be a problem. Everyone was aware that the Prado in Madrid had been bombed in the Spanish Civil War and that new precautions were necessary. Pictures were taken out of their frames and packed in special cases. Statues were taken down, or protected with sandbags or strange brick cocoons. In Amsterdam, Rembrandt's huge *Nightwatch* was rolled up for evacuation, and in a moment of great emotion the *Victory of Samothrace* was lowered down the grand staircase of the Louvre (Fig. 7). In England hundreds of objects were put into subway tunnels, and the paintings from the National Gallery went on a perilous journey to a slate mine in Wales, a transfer which would save them from destruction when the museum was bombed in the Blitz.

GERMAN OCCUPATION

Before Hitler got to France and Holland he had invaded Poland and started to impose his racial ideology there. Anything Slavic, i.e., created by an "alien race," was to be destroyed, while "Germanic" works, such as the altarpiece from the church of Our Lady in Cracow, were taken back to Germany. The justification for stealing this work, commissioned especially for the church, was the fact that the artist, Veit Stoss, was originally from Nuremberg. Of


COMMISSARIAT GÉNÉRAL AUX QUESTIONS JUIVES

CERTIFICAT

DE NON-APPARTENANCE A LA RACE JUIVE

Sur le vu des pieces produites par l'intéressé(e) le Commissaire Général aux Questions Juives constate que M^me Adler (Harry) (Louise, Lydia, Fabienne) née le 24 Août 1917 à Paris (11e) ne doit pas être regardé(e) comme juif(ve) aux termes de la loi du 2 Juin 1941.

Paris, le 21 Mai 1943

3-A

FIGURE 9. French certificate of Aryanism. Photo: National Archives.

course, anything non-Slavic that was of high quality was appropriated too, including Leonardo's famed *Lady with an Ermine* (Fig. 8). These policies were even more strictly carried out later in the USSR, where, for example, a museum containing original manuscripts by Tchaikovsky was trashed and used as a motorcycle repair garage.

The Russians had waited very late to evacuate their collections and only about half the two million objects from the Hermitage Museum in Leningrad/St. Petersburg, could be removed before the city was besieged. The siege lasted over two years, and some 700,000 people perished during that time, more than in any war time city in history. There was constant bombing and the Hermitage, where the starving curators never gave up trying to protect the building and its remaining collections, became a refuge and center of resistance.

After Poland it was the turn of the Western nations to be occupied. These countries were to be annexed in various ways to Germany and their museum collections were carefully protected by the Nazis, who planned to eventually rearrange them and purify them as they had done at home. This selective appropriation of the collections of conquered nations was not a new idea for Europe. The post-Revolutionary French governments and later Napoleon had done much the same after their conquests. After Napoleon's final defeat, Lord Wellington, the Allied commander, made the French give back most of what they had taken, but they managed to hide a considerable amount of their loot, and Hitler was determined to retrieve these works as well as much more. But, of course, the sheer magnitude of Nazi looting and its genocidal aspects would eclipse the Napoleonic efforts.

"The Germans also bought huge amounts in each place, so much so that the European art market would have a boom unparalleled until the 1980's."

The Germans did not just target the national collections of the conquered countries. They also bought huge amounts in each place, so much so that the European art market would have a boom unparalleled until the 1980's. The buying was rather fake, as the money used was itself stolen from the treasuries of the conquered countries and from those persecuted by the Nazis. The German leaders paid a huge amount of attention to this trade. Four major organizations worked full time on acquiring works of art. This included the SS, which specialized in archaeology. Hitler and Goering each had their own curators with large numbers of agents who searched for art, and the Führer had elaborate plans for a vast museum complex in Linz, his hometown. In the midst of battle, these two would stop everything and discuss art purchases. They paid high prices, and many people rushed to try to sell things to them, ranging from the top of the line Vermeer *Artist in his Studio* to real junk. There was a very dark side to this trade. As the vise of the occupation tightened for political opponents and Jews, survival became the basis for many a sale. One could trade a painting or a service of some kind for a life. The famous art scholar Max Friedlander is a case in point. Friedlander had fled to Holland from Germany to avoid persecution. When the Germans took over there, he was twice rescued from concentration camps by Goering, who wanted him to validate some of the paintings in his collec-

tion. To keep Friedlander from being killed, Goering eventually made him an "Honorary Aryan." I have always thought that Friedlander must have enjoyed telling Goering that his most prized acquisition, an obviously fake Vermeer painted by master-forger Hans van Meegeren, was the real thing.

The second way the Nazis got things in Western Europe was by simply confiscating the private collections of those who did not fit into their idea of the pure German Empire, as they had done at home. The legal basis used for such confiscation, illegal according to the rules of warfare, was that the owners had abandoned their property and fled, thereby forfeiting their citizenship and ownerships rights. This was particularly cynical, as those sent to death camps by the Nazis were considered to have "fled." Appeals were accepted: in France, for example, if a person, by producing endless documentation could prove he was "Aryan," he was given a certificate of racial purity (Fig. 9), and could avoid deportation and keep his possessions. Few of those targeted were in this category, and the take was enormous. Thousands of works were brought into a central facility in Paris at the Jeu de Paume museum, where special exhibitions were set up so that the Nazi leaders could choose what they wanted. Hitler, who never came to these shows himself, but was sent fancy albums full of high quality photographs of the loot, got first choice, and took only the best. Goering came many times and did very well, managing to fill up eight houses with treasures. Here too, "degenerate" works were separated from the rest and sold and bartered to dealers who fed them into the general art market. The Nazis would, for example, trade more than a dozen works by Picasso, Matisse and other modern artists, for one dubious Old Master painting. The looting eventually included not only valuable works of art, but the entire contents of the victims' houses, which were stored in vast warehouses and gradually shipped to Germany and the conquered East.

There was resistance to the confiscation process. In France, my inspiration, Rose Valland, a minor curator at the Louvre, became an unlikely heroine. Over and over again she risked her life to smuggle out photographs and coded lists of the hiding places to which the works were being sent. At the end of the war, working with Resistance operatives in the French railroads, she managed to delay a whole trainload of art bound for Germany until the Allies arrived. Similar resistance activities went on in every occupied country.

ALLIED FORCES

The Americans and their Allies were quite aware of all this activity. In January 1943, the Allied governments in London issued a declaration stating that all art transactions made with the Germans that took place during the occupations were illegal, a directive which forms the basis for many present day claims. Art professionals in the United States were anxious to be prepared when the eventual invasion of the continent came, but the U.S. government, then as now, was not very interested in protecting works of art in the war zones, and it was only with tremendous effort that President Roosevelt and the Army were persuaded to attach art specialist officers to the units invading Europe.

The first place the Allied forces went in Europe was Italy. Here it was their job to try to stop unnecessary destruction of the monuments and secure movable works of art. This was not an easy task. The city of Florence, for example, famed for its monuments, also had major railroad yards that had to be destroyed. The Air Force was given special maps of the city showing the location of the monuments which must be protected. The precision bombing of Florence was remarkable, and no monument was damaged, but in other places, such as Milan and Padua, bombing destruction was serious. And if historic buildings were in the direct line of battle, there was nothing anyone could do. Damage to churches was major in Italy and later in France, as the Germans used them for lookout posts and sniper nests.

It should be noted that the European curators who were responsible for the entire patrimony of that continent – the images and monuments which form the basis of Western civilization – defended it

FIGURE 10. Monuments Officer Walter Farmer in 1946 with the famed Bust of Nefertiti from Berlin. Photo: National Archives.

with tremendous courage. One might not think of museum workers in the same terms as commandos, but over and over again, no matter what country they were from, they risked their lives to save their collections, often pleading with combat troops of both sides in the front lines to save the works of art.

As the Allies approached the frontiers of Germany, the Nazis, in their turn, began to evacuate all the contents of the German museums, as well as the items they had stolen from everyone else, to remote refuges in castles, mines and even farmhouses. They also took it upon themselves to "safeguard" the great Florentine collections and those from other Italian locations. The items from Florence were moved in the midst of battle to a castle and an abandoned jailhouse conveniently located right on the border with Austria.

Even after all they had seen in Italy and France, the Allied art specialists were shocked at the damage caused by the bombing of German cities. Here there was little they could do to save buildings, so their main job was to secure the millions of things, ranging from Torah scrolls to church bells, strewn and hidden all over Germany. In a saltmine at Alt Aussee, near Salzburg, were Hitler's collections. In the castle of Neuschwanstein, they found most of the confiscated French items. In Nuremberg the crown jewels of the Holy Roman Empire, taken from Austria, were discovered in an underground tunnel. Goering's collections were discovered near Berchtesgaden by the 82nd Airborne – much of it stuffed into his private trains, which also contained tons of food and wine for his future comfort.

The Army did its best to secure all these objects, and they soon had to decide what to do with it all. After General Dwight D. Eisenhower, accompanied by Generals Patton and Bradley, looked at a few of the storage places, it was decided to bring everything together into several Collecting Points, which would soon have better collections than any museum in the world. It would take more than six years to sort out everything, and by the time the Collecting Points were closed down, they had handled several million objects (Fig. 10).

The United States Army, anxious to be rid of responsibility for all the art, decided right away to send everything back to the countries from which it had been taken. Once the tons of art got home, special commissions in each country were faced with the very difficult task of determining just who the objects belonged to. State collections were less of a

"The Army did its best to secure all the objects . . . It was decided to bring everything together into several Collecting Points . . . It would take more than six years to sort out everything, and by the time the Collecting Points were closed down, they had handled several million objects."

"Soviet forces . . . had quite different ideas about restitution: they simply sent everything back to the Soviet Union regardless of who owned it."

problem in this regard, but politics tended to affect their restitution. In a controversial decision in 1945, the United States brought 202 major works which belonged in the Berlin museums back to Washington, where they were held for three years. This was partly because of the terrible state of the museums, but the decision was also encouraged by the fact that the Soviets were stripping their zone of everything of value they could find.

FIGURE 11. Antonio del Pollaiuolo, *Hercules and the Hydra*, tempera on wood, c.1475. Taken from the Uffizi's storage area in WWII and found in California in 1963 in the hands of a former Wehrmacht soldier.

SOVIET FORCES

Soviet forces, which had art specialists in their Trophy Brigades, had also found tons of art in the parts of Germany they had taken. They had quite different ideas about restitution: they simply sent everything back to the Soviet Union regardless of who owned it. In the 1950's thousands of items were returned to the state museums of the countries under Soviet control, but anything belonging to Western museums or to private individuals remained hidden in remote Russian monasteries or in the secret vaults of Soviet museums, whose curators, on pain of being sent to Siberia, were not allowed to reveal where the art was stored. Among the treasures were the famous gold objects originally from ancient Troy taken from Berlin and hundreds of major paintings and drawings, which included items bought and looted by the Nazis in Western Europe as well as things belonging to German collectors. It is only since the dissolution of the Soviet Union that the Russian museums have dared exhibit these works, and there is continuing controversy in the Russian Federation over who should keep the objects, as feelings about World War II still are very strong there.

Of course not everything was recovered by the official agencies of East and West. Hundreds of works are said to have perished, but one can never be sure. Military personnel of all nations stole, or simply picked up objects wherever they found them. Many cases of minor looting by the military were pursued for years in vain: most items of this sort will probably turn up sooner or later, but in unexpected places. A tiny Pollaiuolo (Fig. 11), lost from the Uffizi, was found in the 1960's in the hands of a former Wehrmacht soldier who had emigrated to California, and, most famously, a group of small but priceless objects missing from the church treasure of the East German town of Quedlinburg were discovered in Texas, where they had spent years in the secret collection of a former GI.

"The restitution process immediately following the war was not easy nor was it always fair. . . . Even in the case of honest claims, it was not always clear to the restitution commissions if a sale had been forced or not, and many of the decisions made immediately after the war are being revisited and challenged today."

RESTITUTION

The restitution process immediately following the war was not easy nor was it always fair. If one's possessions had been chosen and confiscated by Hitler or Goering, return was relatively straightforward: their collections contained mostly major works catalogued before the war and carefully re-catalogued by the Nazis. But even then making claims was hard work, fraught with bureaucracy and difficult demands for documentation, and many claimants gave up in despair, or made disadvantageous deals which came to haunt them later. It was far harder to recover things which had been dispersed in the art market, especially if they had ended up in neutral Switzerland, which had a five year statute of limitations on such claims. Racing against time, the dealer Paul Rosenberg managed, through the Swiss courts, to recover a number of his pictures which had quite knowingly been purchased by the collector Emile Bührle. Later, dealer to the core, Rosenberg sold them back to Bührle, and they remain in his collection in Zurich.

In another category were willing sellers who claimed after the war that they had been forced to sell. Some of these wanted to keep the money they had received and still get their objects back. When this was proven, the works, such as Vermeer's *Artist in his Studio*, sold by Count Czernin to Hitler, generally reverted to the state. But even in the case of honest claims, it was not always clear to the restitution commissions if a sale had been forced or not, and many of the decisions made immediately after the war are being revisited and challenged today. Both the French and Dutch governments hold a quantity of works in this category which are the subject of controversy. The Austrian government's policy of requiring collectors who had recovered a body of works to leave a percentage of them in Austria before they could export the rest has been revised – most notably in the Rothschild case. That family got back a magnificent group of works recently, which sold for some $90 million. And Maria Altmann, heir to the Bloch-Bauer family, which got most of its hostage paintings back too, is still engaged in an extremely complex legal battle with Austria to recover the famed Gustav Klimt portraits of her aunt.

The opening, or rather reopening of the Pandora's box of looted art in recent years, has indeed, with much fussing, led to the recovery of numerous objects for both private and public collectors and brought both emotional and financial justice to many. The job is not yet finished, but with organizations such as IFAR and many others worldwide so hard at work, I hope that eventually many more items will be recovered and that the issues surrounding them can be resolved in a calm way. I have learned from my work and my involvement in a number of cases that traditional adversarial litigation is often not the best route for solving restitution cases. While there is no question that confiscated items should be returned to their owners or their heirs, it seems to me that at this late date, whenever possible, the process should first be attempted through negotiations which do not demonize either good faith present possessors or the claimants and in which all the evidence, placed in its historical context, is carefully weighed. Greed and deception were basic to the Nazi ethos and they have no place in the efforts to set right the injustices of World War II.

LYNN H. NICHOLAS: Q&A

Q Considering the number of art ownership claims in the last few years, I'm curious to what degree people have asked for your records to help them in lawsuits and arbitration hearings.

A For a few years I had researchers coming through my house weekly. But I don't do that anymore. Anybody can go as I went to find these records, but it takes hours. I was involved in one lawsuit as an expert witness, and I have to say that was an extremely unpleasant process, so, I would just as soon not do that again. I'm happy to provide what information I have to anyone and answer letters. But now there are so many experts that I can call and to whom I can direct people. As specialists, they know so much more than I do. Now you have to be a specialist on each country.

Q What is the status of the television production based on your book?

A A film company has made a two-hour documentary. They are marketing it at the moment. I don't know exactly where it will be shown. You may recognize quite a few of the images from this lecture.

Q Tell us about your new book.

A My new book, thank you – a little advertising – is called *Cruel World, Children of Europe in the Nazi Web.* People say, well how did you go from art to these terrible things about the children, but what the Nazis were doing was destroying cultures, and people's possessions were just part of their whole lives. . .

I'm a child of the war myself. My earliest memories are of that time. So, I began back in the archives looking at those documents. The art ones were a lot more fun. The book has just come out. I hope some of you will read it and augment your information about the war.

Q Do you think that the Nazis were aware that some of the art had been spirited away before they got there? Did they try and search for missing pieces from the foreign museums?

A In Western Europe the Nazis had a special group called the Kunstschutz that kept an eye on where everything was going. They had sent operatives to all the countries before the war to research where things were. The French museums and private Jewish collectors and dealers tried to disguise the works. But art historians in the German military were very thorough; they knew pretty exactly where everything was.

Q There were dealers, like Haberstock, who knowingly dealt with looted art after the war. Were some of the dealers who engaged in those efforts in the U.S.?

A Haberstock mostly dealt *before* the war. He was forbidden to deal after the war by the military authorities. He had things that colleagues of his managed to get one way or the other. I think there *were* dealers in the U.S. who engaged in those activities.

Q Would you have any comments on what's happening currently in the Iraq war with lost art or in what used to be Yugoslavia? What the Nazis did is similar to what happened in some of these countries, where they demoralize the enemy by destroying their art.

A I'm glad to say that the American army does still give some training on protecting works of art. When it became clear that we were about to invade Iraq, there was a big effort in Washington, mostly by archaeologists, to put together experts to

advise the army, and that was done. But, unfortunately, when they got to Baghdad and other places, they didn't have people on the ground to protect the museums. But there was quite a big effort to form a committee to persuade the army to do what it had done in WWII, which took a lot of persuading at that time. I don't know if there's any more philosophical effort to protect works of art, except that there are laws that evolve with time to protect patrimony. Some of them are good. Some of them aren't. It certainly is an ongoing issue.

Q Is there a resource for collectors who would like to make a claim about an artwork, as well as collectors who are confronted with a claim for possibly looted art? Are there guidelines for a collector to get a sense of how to prepare for this, what kind of information he should have, legal resources, and, obviously, research resources?

A It's almost all online now. There's an excellent book on provenance research written by Nancy Yeide at the National Gallery of Art, who is here tonight. It lists places which you can call. One organization among many is the Art Loss Register. You can also call Sharon at IFAR. All those people will tell you what to do. Would anyone else in this business like to speak to that?

SHARON FLESCHER (SF): The Holocaust Claims Processing Office of the New York State Banking Department is another place where many claimants have gone. That office is also a good resource for attorneys, many of whom are represented in this room. There's also information on the Web. Museums have put up their collections noting gaps in provenance. You have to do a little digging.

Q Are there any hard and fast rules about the statute of limitations, or do the rules vary from case to case, for example, the Liz Taylor case?

Am not a lawyer. I think it varies according to what state or country you're in. But there is the issue of due diligence and when the timeline starts running.

SF: That question, in itself, is an evening's talk. We have a lot of attorneys in this room, and they don't seem to be anxious to raise their hand to answer this question. Nor I, because it varies from case to case. The Liz Taylor case was more than a statute of limitations issue, as we wrote in the *IFAR Journal*. It *does* depend on the state you're in and on the circumstances of the claim. These claims are very fact specific.

Q The State of California has extended the statute of limitations for Holocaust claims until 2010.

A **SF:** Yes, but if I might clarify that, because that has been so incorrectly reported in the newspapers. It doesn't affect individuals. It's only for claims against galleries and museums. In the Liz Taylor case, for some reason, that was bandied about in the press. I never understood why that was relevant, as the law specifically excludes individuals.

But, perhaps, this is a subject we can debate at another Evening, because the statute of limitations is the basis of many of the legal actions that you read about in the press. When it begins to run and whether it's applicable. So, that's a fairly complicated subject, which we should chat about over wine after we thank our illustrious speaker for a fascinating talk.

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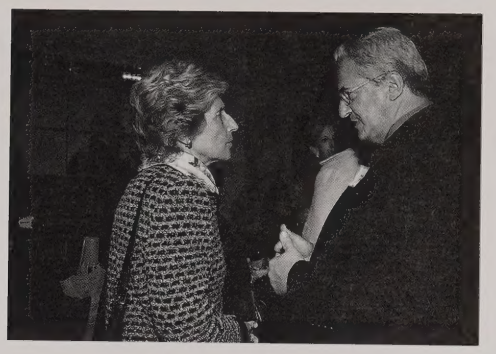
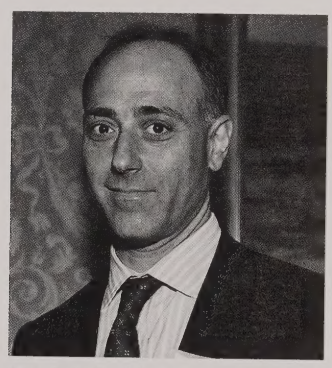
AN IFAR EVENING WITH LYNN NICHOLAS



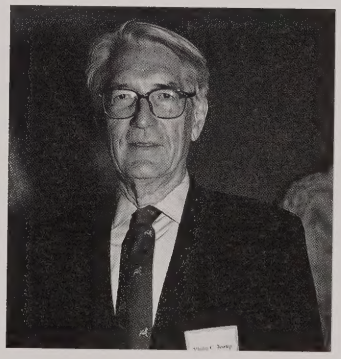
Lynn H. Nicholas and Wesley A. Fisher.

Monica Dugot (left) and Clarissa Post (right).

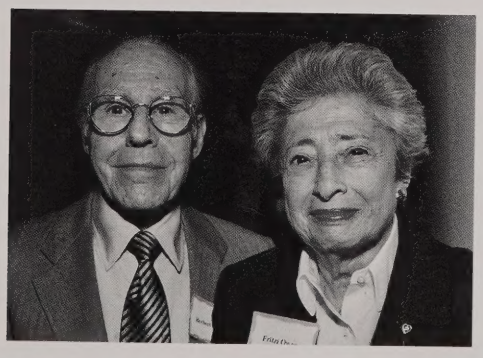


Mark Schaffer.

Left to right: Joel Frankel, Elaine Rosenberg, and Dorit Straus.



Philip C. Jessup, Jr.



Herbert and Fritzi Owens.

Sarah Jackson (left) and Marei von Saher (right) with Charles Goldstein and Frank Lord in the rear.

RECENT PUBLICATIONS REGARDING THE MATERIALS, TECHNIQUES, AND CONSERVATION OF OLD MASTER AND 19TH-CENTURY PAINTINGS — AN UPDATE

JOYCE HILL STONER*

ENHANCED CONSERVATION SCHOLARSHIP

Another group of must-read publications for persons interested in the authentication or attribution of paintings has been published since my survey on this topic for the Spring 1999 issue of the *IFAR Journal*.[1] The number of graduate programs in conservation education, the revelatory examinations of paintings in major museum scientific departments, and conservation scholarship in general increased exponentially in the fourth quarter of the 20th century. The explosion of excellent technical art history publications has continued into this century, aided by these first two factors.

GROWING SPECIALIZATION

The training of paintings conservators has been complicated by the sheer number of essential publications that must be digested during a three-or four-year masters-level program, in addition to the vast array of choices, approaches and materials now available for daily processes – such as tear-mending, lining (or not), filling, retouching, and varnishing. Three decades ago, a single conservator might treat objects, paintings, and works of art on paper. Today, even a well trained, experienced paintings conservator is unlikely to embrace all the skills and technical art-historical knowledge and understanding necessary to be able to treat all varieties of Western paintings – including icons, early Renaissance panels, Baroque canvas paintings, AND color field paintings. There is simply too much contemporary scholarship to know and digest in each area.

SUMMARY OF SIX EARLIER RECOMMENDED READINGS

In 1999 I chose for discussion five books or series of books that should be mandatory possessions for anyone interested in the tangible materials of Western European paintings:

- Three *Art in the Making* books that accompanied exhibitions at the National Gallery, London: *Italian Painting before 1400*, 1989; *Rembrandt*, 1988, and *Impressionism*, 1990.

- Five *Making and Meaning* books, also accompanying outstanding exhibitions at the National Gallery,

* Joyce Hill Stoner, Ph.D., is Director, University of Delaware Preservation Studies Doctoral Program and Professor, Winterthur/UD Program in Art Conservation, and also a member of IFAR's Art Advisory Council.

1 See Joyce Hill Stoner, "Recent Publications on the Materials of Old Master Paintings," *IFAR Journal*, Vol. 2, no. 2, Spring 1999, pp. 24-28.

London, on *The Wilton Diptych*, 1995; *The Young Michelangelo*, 1994; *Turner: The Fighting Temeraire*, 1993; *Rubens's Landscapes*, 1996; and *Holbein's Ambassadors*, 1997.

• The 1996 Getty Conservation Institute *Readings in Conservation: Historical and Philosophical Issues in the Conservation of Cultural Heritage* with English translations of essential Italian texts on the cleaning and retouching of easel paintings by Cesare Brandi; French texts by Paul Philippot with insightful discussion of patina, etc.

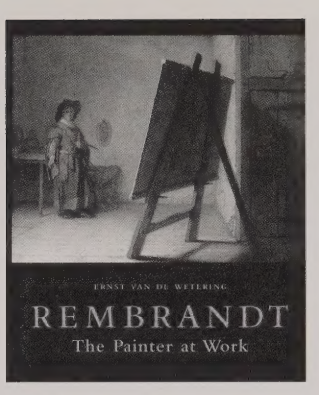
• The "Pocket Guides" series from the National Gallery London, especially *Frames* by Nicholas Penny, 1997, and *Conservation of Paintings*, by David Bomford, 1997.

• *Looking Through Paintings: The Study of Painting Techniques and Materials in Support of Art Historical Research*, Erma Hermens, ed., 1998.

Two years later, in the 2001 *IFAR Journal*, I provided a review of Andrea Kirsh and Rustin S. Levenson's *Seeing Through Paintings: Physical Examination in Art Historical Studies*, Yale University Press, 2000. This highly readable and well illustrated book is being actively used by a number of conservators to teach art history students how to look at paintings by artists from Giotto to Rothko and how technical findings can have profound impact on art-historical conclusions. (It should be added to the 1999 list.)

FOUR NEW RECOMMENDATIONS FOR THE DISCERNING READER OF ART-TECHNICAL LITERATURE

Ernst van de Wetering:
Rembrandt: The Painter at Work
University of Amsterdam Press, 1997.
340 pages, hardcover $79.50. (Also available in paperback.)
Distributed in North American Markets by the University of Michigan Press, Ann Arbor, MI.
ISBN 90-5356-239-7.



I should have included in my 1999 article, but had not yet read, Ernst van de Wetering's *Rembrandt: The Painter at Work*. If you could own only one book on a single artist's materials and techniques, this is the book I would recommend. Ernst van de Wetering has been working continuously on Rembrandt since May 1968 when he was a temporary research assistant participating in the first research excursion by members of the Rembrandt Research Project. Van de Wetering now heads the Project and has had the estimable support of the Central Research Laboratory for Objects of Art and Science in Amsterdam since 1969 and the University of Amsterdam since 1987 as he has gathered his research materials. He is an art historian but writes of technical matters as comfortably as if he were an experienced paintings conservator. (He was originally trained as an artist.) While reading the book, I found myself making constant notes about how to write better about living American artists. To me it represents the highest standard of scholarship in art technical writing combined with passion for the subject.

Van de Wetering's final "Epilogue on Quality" is a seductive piece of writing that could transform disbelievers regarding the joy of looking at paintings in person. I wish I could reproduce all six pages of what he calls his "personal remarks" which discuss "the bodily experience" of viewing Rembrandt's work. Highlights include:

> The tracks of Rembrandt's hand, the visible brushstroke, always had a strong impact on viewers of his work... Our reception of these lines and brushstrokes is, I believe, influenced

> by the fact that the movements we observe are as it were echoed in our own bodies in the sense that we latently participate in these movements. Everybody knows that one experiences intense pleasure in observing spontaneity, whether in watching people engaged in sport, a skilled craftsman, or an artist at work, because we experience what we see not only with our eyes but with our whole body . . . like the tracks of a skater scored in fresh ice.

Artist Wayne Thiebaud agrees with this concept: "As a viewer, you've got to participate bodily when you look at a painting. It has to do with empathy. A painting is a physical metaphor, an extension of nerves, muscles, gesture, and to grasp it you've got to feel yourself in it." Thiebaud walked through galleries with *New York Times* critic Michael Kimmelman, and about the work of another artist said, "It's so good it almost makes my arm ache just thinking about how he did that."[2]

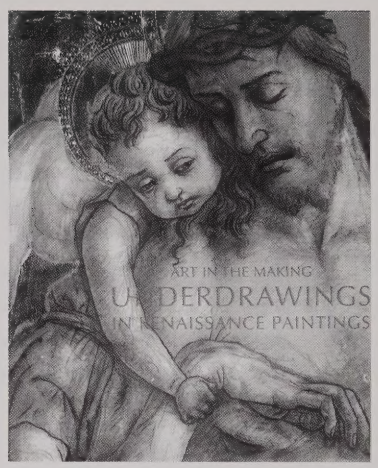
ART IN THE MAKING SERIES

I was delighted to see that the important 1988-1990 *Art in the Making* series at the National Gallery, London has been revived with two more publications to accompany popular exhibitions: *Underdrawings in Renaissance Paintings* in 2002 and Degas, 2005.

Art in the Making: Underdrawings in Renaissance Paintings

David Bomford, Rachel Billinge, Lorne Campbell, Jill Dunkerton, Susan Foister, Jo Kirby, Carol Plazzotta, Ashok Roy, and Marika Spring.
National Gallery London, 2002.
176 pages, paperback $35.
ISBN: 0300092253.

Underdrawings in Renaissance Paintings provides the fruits of infra-red reflectography of paintings by sixteen major artists. The National Gallery in London is one of the few museums in the world to have

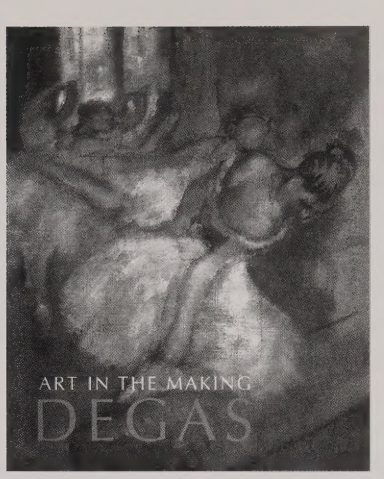


examined its collection in depth using up-to-date instrumentation while articulate conservators stood on the ready to make notes and inform the interested public of the discoveries. As a result we are treated to many excellent photographs and discussions of a penetrating "Superman"-like vision revealing the hidden preparatory underdrawings. Changes to the elegant tilt of a hand in a Jan Van Eyck or the pounced dots of black powder in a Raphael are magically made visible when carbon black designs are present under thin paint films that contain pigments transparent to infra red wavelengths.

Underdrawings continues with descriptions of how the hidden drawings below major paintings relate to other drawings on paper for the same composition that may also be available for study. We are introduced to an entire sub-genre of stylistic analysis: What is the style of the underdrawing? Is it by the same artist who did the painting? Was it freehand or traced? Pounced? Squared? Did the artist use lines, hatchings, or shading? We are taught to be connoisseurs of the normally invisible underdrawing materials; sometimes a fluid liquid wash can be readily distinguished from stumping or outlining. We are also given a history of inks, charcoal, chalks, and metal point. The catalogue section of the book has illustrated case studies of works by sixteen artists including Stephan Lochner, Carlo Crivelli, Hans Memling, Raphael, Giorgione, Lucas Cranach the Elder, Pontormo, and Pieter Bruegel the Elder.

2 Michael Kimmelman, *Portraits: Talking with Artists at the Met, the Modern, the Louvre, and Elsewhere*, Modern Library, New York, 1999.

Art in the Making: Degas
David Bomford, Sarah Herring, Jo Kirby,
Christopher Riopelle, and Ashok Roy.
National Gallery London, 2004.
160 pages, paperback $35
ISBN: 1857099699.



I enjoyed even more *Art in the Making: Degas* by David Bomford *et al.*, just out in 2005. I now understand why Degas was omitted from the superb *Art in the Making: Impressionism* catalogue and exhibition of fifteen years earlier. The Director's foreword notes "The organizers had realized that the sheer variety and complexity of Degas's working procedures, as yet little studied, set him apart from his colleagues." The catalogue goes on to convince us that Degas was "one of the most technically complex artists of the 19th century" while admitting that due to the sheer unpredictability of the artist's experimentations, any account still remains incomplete. Degas himself noted that if he actually "found his method he'd be bored to death." Unlike his Impressionist colleagues, he often built up his oil paintings in the academic manner of the earlier 19th century; he admired both Titian and Ingres. Sometimes, however, a work might be signed and perhaps considered finished when it had reached only the preparatory *ebauche* stage, in academic terminology. In order to create his characteristically matte and velvety surfaces, Degas sometimes used *peinture à l'essence*, in which oil paint is drained of its oil (often on blotting paper) and then diluted with turpentine. The resulting paint looks very much like watercolor, easily brushed out and quite transparent. He used essence on paper or canvas from the late fifties through the 1870s, the latter being the most experimental time of his career. He basically invented the monotype but worked many of the monotypes up into pastels. He might grind gouache, tempera, and pastels into water and mix them with other media, possibly egg tempera or casein, to turn the crushed pastels into a thick, aqueous paint.

The artist's working methods seemed to be a combination of the carefully planned and the wildly spontaneous. He might begin a work on paper and end up adding to it on all sides; one of his works of a woman at her bath is composed of seven pieces of paper, and another, of a dancer, is a patchwork of ten papers. He would have his pastels on paper mounted, and, occasionally incorporated any resulting wrinkles wittily into draperies or tutus. The artist gradually and ultimately switched entirely from oil to pastels. He varied colors and textures of paper, strokes and application techniques for the chalks, and might manipulate dry pastels with steaming and spraying, and then adjust areas with brushes or rags. The flesh of a dancer might have been handled differently from the tutu, and intermediate layers of fixative may have been applied to enable him to keep some layers less mobile. Understandably, some of these tortured surfaces may appear pitted and cratered, but on top the artist might have highlighted the overworked, muted areas with brilliant passages of unfixed fresh pastel.

The *Degas* book has other gems of information for curators and conservators. Worrying about the permanence of the colors, Degas sometimes prebleached his pastels by soaking them in water and then putting them into the sun, hoping that he would have the fading out of the way before he used the colors. The *Degas* book also has some key information about the frames the artist preferred; he told Louisine Havemeyer that heavy gold frames "crushed his pictures."

The main body of the catalogue considers in depth fourteen works from different eras of Degas's techniques further illustrating his quixotic methods. *Young Spartans Exercising* from about 1860, depicts four half-nude Spartan girls in the left side of the painting; the group of four girls has at least ten legs, revealing the ruminations of the artist. As with *The Mystery of Edwin Drood*, the audience is left to make its own choice regarding the final outcome, adding to our fascination with the artist's process.

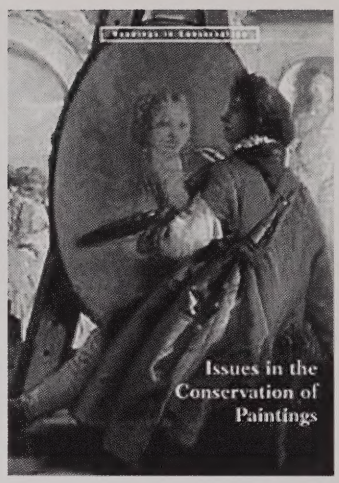
Issues in the Conservation of Paintings

Mark Leonard and David Bomford, Eds.
J. Paul Getty Trust Publications, 2005.
581 pages, hardcover $60.
ISBN: 0892367806.

The useful 1996 Getty Conservation Institute "Readings in Conservation" now has a successor volume: *Issues in the Conservation of Paintings*. Whereas the previous book featured major historical and philosophical writings on preferred degrees of restoration in architecture, paintings, and objects, this newer book contains a chain of shorter nuggets of historical interest related only to easel paintings including:

- Addison and Hogarth opining on the visual effects of time;
- Vasari, Reynolds, Goya, and Whistler discussing their views on restoration;
- short reports on restoration efforts in the 19th century;
- Merrifield and Eastlake on manuscripts;
- Max von Pettenkofer's discussion of his method to regenerate varnish;
- and essays on cleaning and inpainting controversies.

Particularly valuable to teaching graduate students in conservation is the compilation in one volume of some of the landmark publications forming the twentieth-century chronology of our professional conservation approaches and techniques: James J.

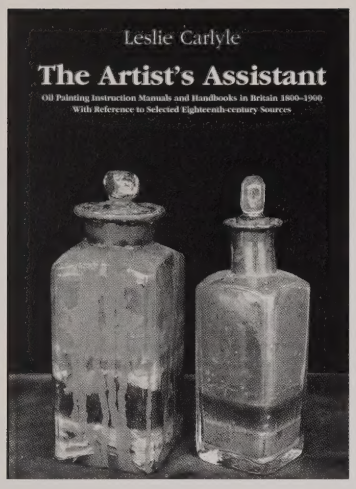


Rorimer's essay on using ultra-violet light to examine works of art (1931), Alan Burroughs's pioneering work on x-radiography of Old Master paintings (1938), Joyce Plesters's pivotal research on paintings techniques through the use of cross-sections (1954), Westby Percival-Prescott's re-examination of the wholesale lining of paintings which resulted in a lining moratorium in 1974, and John Richardson's clarion call to leave Cubist paintings unvarnished and unlined whenever possible (1983). A key process missing from this list, however, is the commensurate article on the applications of infra-red reflectography by J. R. J. van Asperen de Boer, but this is summarized in the *Underdrawings* book listed above.

Leslie Carlyle: *The Artist's Assistant*

Archetype Publications Ltd., 2001.
592 pages, hardcover $140.
ISBN: 1873132166.

Dr. Leslie Carlyle, the new head of conservation at the Tate in London, has converted her doctoral dissertation into a nearly 600-page tome: *The Artist's Assistant: Oil Painting Instruction Manuals and Handbooks in Britain 1800-1900 with reference to selected eighteenth-century sources*, first published in 2001 by Archetype Publications, Ltd. This publication sets a high bar for future conservation scholarship by the new breed of conservation scholars who


Leslie Carlyle
The Artist's Assistant
Oil Painting Instruction Manuals and Handbooks in Britain 1800–1900
With Reference to Selected Eighteenth-century Sources

have earned doctoral degrees. This is important reading as the effects of the 19th-century revolution in new and diverse sources for artists' techniques is still with us in both the hands-off attitude of artists toward the preparation and understanding of their own materials and the constantly expanding menu of sometimes impermanent materials readily available in shops. Dr. Carlyle's carefully compiled and dense compendium of 19th-century art materials in Britain explains such arcane materials as megilp, gumtion, and copal, amber, egg white, and isinglass varnishes and what effects artists might have been hoping to achieve with these materials. She thoroughly discusses palettes and paint applications. Because the author, formerly working with the Netherlands Institute for Cultural Heritage, has recreated many of the recipes she has collected for this volume in addition to recipes from the 17th century, she has a unique familiarity with artists' intentions and the pitfalls of their techniques. This large book is for those who wish to delve seriously into the practices of 19th-century artists from Reynolds and Sully to Whistler and Watts.

As can be seen from the list above, the fortuitous explosion of high quality conservation literature that might be of interest to dealers, conservators, curators, critics, connoisseurs, collectors, or students who read the *IFAR Journal* continues unabated.

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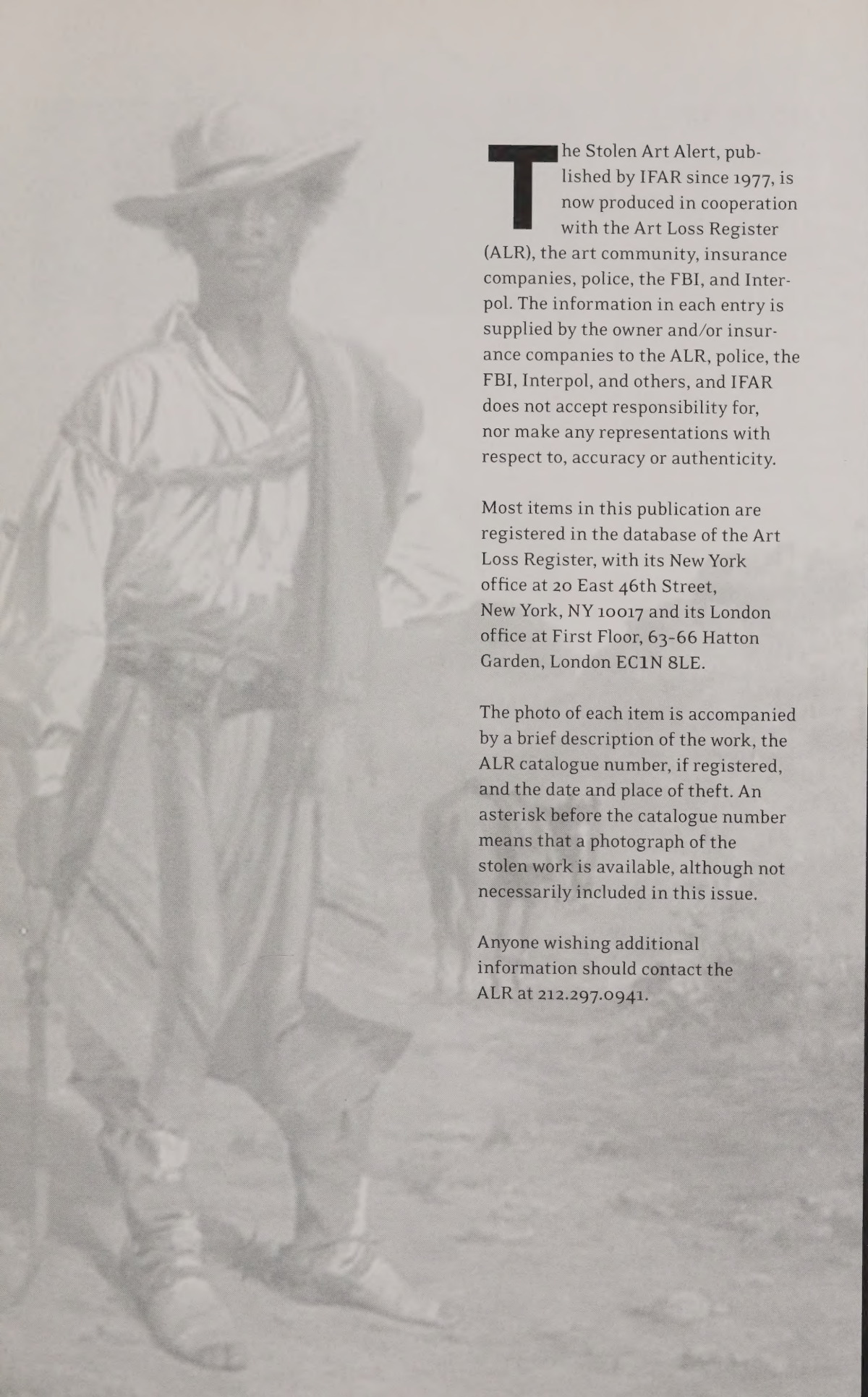


STOLEN ART ALERT

The Stolen Art Alert, published by IFAR since 1977, is now produced in cooperation with the Art Loss Register (ALR), the art community, insurance companies, police, the FBI, and Interpol. The information in each entry is supplied by the owner and/or insurance companies to the ALR, police, the FBI, Interpol, and others, and IFAR does not accept responsibility for, nor make any representations with respect to, accuracy or authenticity.

Most items in this publication are registered in the database of the Art Loss Register, with its New York office at 20 East 46th Street, New York, NY 10017 and its London office at First Floor, 63-66 Hatton Garden, London EC1N 8LE.

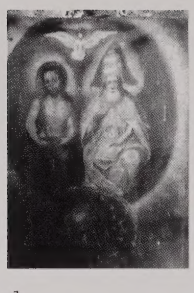
The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, if registered, and the date and place of theft. An asterisk before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

Anyone wishing additional information should contact the ALR at 212.297.0941.

STOLEN ART

PAINTINGS

1 *Sacred Trinidad* (Spanish, 19th century). Oil on canvas. One of three paintings stolen from the Temple of Saint Ursula Zimatepec, Municipality of Yauhquehmecan, State of Tlaxcala, Mexico in June 2004. Interpol no. 20040608558.



1

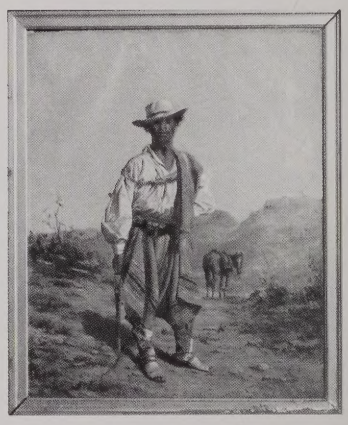
2 RODOLFO PERONA (South American, 20th century). *Afternoon on Chica Beach.* Oil on board. 28 x 40 cm. Signed "Perona" twice l/l. Stolen from the Ministry of Education, Science, and Technology, Fernando Fader School Museum of Art, Buenos Aires, Argentina. Interpol no. 20050914531.

2

3 *Jesus Meets the Women of Jerusalem* (19th century). Oil on canvas. 135 x 95 cm. One of eight paintings and religious articles stolen from the Church of St. Filip and Jacob in Nebeska Rybna, Rychnov nad Kneznou district, The Czech Republic, between April 14 and May 26, 2005. Interpol no. 20050710566.

3

4 JUAN M. BLANES (Uruguayan, 20th century). *El gaucho de la Sierra.* Oil on canvas. 57 x 46 cm. Stolen from the Museum of Fine Arts of Salto City, Uruguay. Interpol no. 20050304780.



4

The following paintings were stolen in January 1979 from a private residence in Illinois and replaced with copies (*No5.127):

5 GEORGES BRAQUE (French, 1882-1963). *Studio Interior.* Gouache on paper. 41.9 x 56.4 cm.

5

*Numbering for the year 2005/2006 Cumulative Index of Stolen Art begins with this issue.

7

8

6 GEORGES ROUAULT (French, 1871-1958). *Flight into Egypt.* See color photo on inside back cover.

7 MAURICE UTRILLO (French, 1883-1955). *Le Cercle Catholique de Sacre-Coeur.* Oil on canvas. 46.4 x 57.8 cm. Signed l/r: Maurice Utrillo V.

8 MAURICE UTRILLO (French, 1883-1955). *Rue de Montcenis - Montmartre.* Oil on canvas. 47 x 55.9 cm. Signed l/r: Maurice Utrillo V.

9

The following two paintings by Childe Hassam (American, 1859-1935) were stolen from the storage area of a New York gallery in May 2005 (*N05.120):

9 *Marine Nocturne with Boat.* Oil on panel. 5" x 8".

10 *Marine Sunset.* See color photo on inside back cover.

11

12

The following three paintings were stolen from a private residence in Belgium in April 2005 (*L05.526):

11 CHARLES VENNEMAN (Belgian, 1802-1875). *Interior of a Cabaret.* Oil on panel. 61 x 74 cm.

12 ANTOINETTA BRANDEIS (Austrian, 1849-1920). *View of Venice* (1). Oil on panel; 18 x 24 cm. Signed l/r: ABrandeis

13 *View of Venice* (2). Oil on panel; 18 x 24 cm. Signed l/r: ABrandeis.

13

The following three paintings were stolen from a fauna reservation in Santa Rosa, Argentina on July 3, 2003. Interpol. No. 20050914766:

14 *Portrait of a Woman.* Oil on canvas. 70 x 55 cm. The painting has a small sheet of metal inscribed: 134.604 bienes partrimoniales de la Pcia.

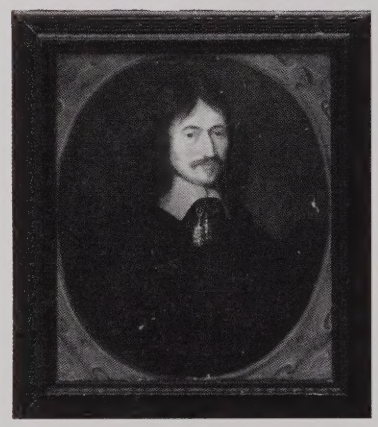
15 *Horseman.* Oil on canvas. 120 x 100 cm. The painting has a small sheet of metal inscribed: 134.714 bienes patrimoniales de la Pcia.

16 *Portrait of a Man.* Oil on canvas.

17 GERARD VON HONTHORST (Dutch, 1590-1656). *Holy Roman Emperor Frederick V.* Reported stolen from a museum workshop at the Art Industrial Mukhina Academy, St. Petersburg, Russia on June 21, 2005. (no photo)

14

15



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18

WORKS ON PAPER

18 CAMILLE PISSARRO (French, 1830-1903). *Eragny.* Watercolor. 14 x 21 cm. Signed l/l: Eragny C. Pissarro. *L05.469. Stolen from a gallery in London, England in July 2005.

19 EUGÈNE DELACROIX (French, 1798-1863). *Entry of the Crusaders into Constantinople,* c. 1839–40. Sepia wash. 9" x 10". Stolen from the DeLind Gallery of Fine Art, Milwaukee, WI, on July 21, 2005.

19

PRINTS, LITHOS, ETCHINGS

20 ANDY WARHOL (American, 1928-1987). *Flowers.* Serigraph. 36" x 36". *N05.113. Stolen from a private residence in Los Angeles, CA in September 2004. Interpol no. 20050508545.

20

22

23

SCULPTURE

21 ALEXANDER CALDER (American, 1898-1976). *Little Roxbury.* See color photo on inside back cover.

22 HELAINE BLUMENFELD (American, 20th century). *Transformation.* Patinated bronze. Ht: 210 cm. *L05.520. Stolen while awaiting shipment in England in July 2005.

23 CONSTANTIN BRANCUSI (Romanian, 1876-1957). *Prayer.* Bronze. 120 x 111 cm. Wt: 180 kg. Stolen from the Cemetery Dumbrava of Buzau, Buzau County, Romania on June 13, 2005. Interpol no. 20050711689.

24

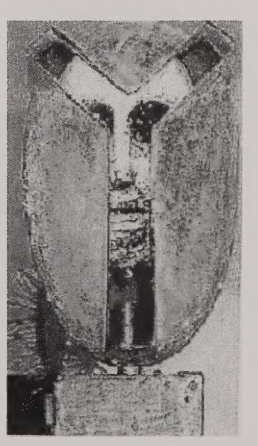
25

24 B. KAFKA (Czechoslovakian, c.1900-1950). *Jesus Christ-Divine Heart.* Polychrome wood. Ht: 160 cm. Stolen from a church in Lampertice, the Czech Republic in July 2005. Interpol no. 20050915489.

25 *Religious Triptych* (Spanish). Wood. Sculpture has a small sheet of metal inscribed: 134.613 bienes patrimoniales de la Pcia. Stolen from a fauna reservation in Santa Rosa, Argentina along with item nos. 14-16 above, on July 3, 2003. Interpol. No. 20050914766.

The following glass sculptures by Bertil Vallien (Swedish, b. 1938) were stolen from the Orebro County Museum, Orebro, Sweden on March 18, 2002. Interpol no. 20020507335:

26



27

26 *Head in Left Profile.* Ht.: 20-30 cm.

27 *Head Hidden Behind the Letter Y.* Ht: 20-30 cm.

RELIGIOUS ICONS

The following Russian icons were stolen from the church in the Nizhni Novgorod Region, Russia on April 4, 2005. Interpol no. 20050609235:

28 *Three-Handed Mother of God* (18th-19th century). Wood and tempera with silver and gold metals. 33 x 27 cm.

29 *Resurrection* (19th century). Wood, tempera, and gilding. 32 x 26 cm. The central icon is surrounded by twelve scenes, each representing a feast day.

30 *St. Nicholas* (18th-19th century). Wood, tempera, and gold metal. 32 x 26 cm. The central icon is surrounded by twelve scenes from the saint's life.

28

29

30

DECORATIVE OBJECTS

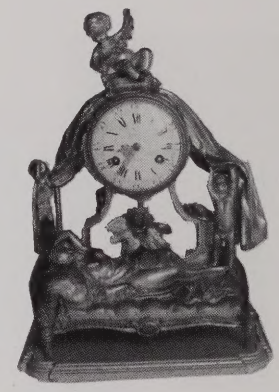
CLOCKS

The following clocks were stolen in France on July 12, 2005. Interpol no. 20050813707:

31 *Clock with Reclining Nude.* Style of Louis XVI. Gilded bronze. Ht: 41.5 cm. W: 32 cm.

32 MESUREUR (French). *Lyre Clock.* Style of Louis XVI. Ht: 60 cm.

33 ANTOINE PELLETIER (movement) (French). *Hanging Wall Clock.* Green horn. Style of Louis XV. Ht: 135 cm.



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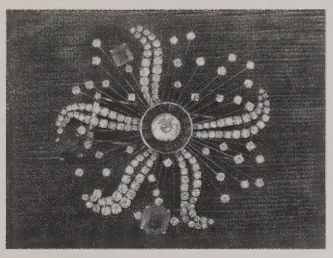


34

35

JEWELRY

34 RUBEL. *Antique estate pin.* Platinum with sapphires, emeralds, and diamonds. *No5.48. Stolen from a New York jeweler in March 2005.

RUGS, CARPETS, TAPESTRIES

35 *Tapestry* (16th century). 238 x 190 cm. Stolen in the Czech Republic on May 20, 2003. Interpol no. 20041218934.

SILVER

36 *Chalice.* Gold-plated silver with red and green gemstones. Ht: 25 cm. Stolen in Romania. Interpol no. 20050812949.

37 *Fruit vase* (Russian, 20th century). Glass with silver plating and engraving. Inventory number: ??-3117. Glass measures 30 x 16 x 14 cm. Silver pedestal measures: 40 x 17 x 20 cm. Stolen from the State Hermitage in Russia in July 2005. Interpol no. 20050813042.

36

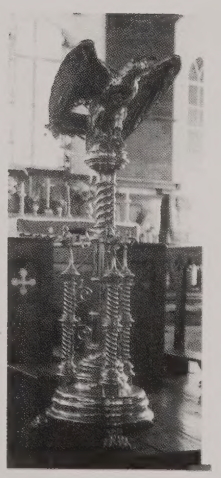
37

MISCELLANEOUS

38 *Carved frame* (18th century). Wood with white and gold paint. 127.5 x 82.5 cm. W: 8 cm. Stolen along with two sculptures of Saints Paul and Peter from the St. Mary Magdalen Church in Recany nad Labem, the Czech Republic, between August 13 and August 22, 2005. Interpol no. 20051016315.

39 *Eagle Lectern* (19th century). Stolen from St. Peter's Anglican Church in Falmouth, Trelawny, Jamaica. Interpol no. 20051015829.

38



39

40 MARTIN WEILER (c.1590). *Astrolabe.* Gold-plated brass. Engraved: Martinus Weiler Islebiensis Me Fecit Anno 1590. One of only 50 extant instruments of this type. Reported stolen from a display case in a castle in Sweden on February 8, 2005. Interpol no. 20050914207. (Photos show front and back.)

40 FRONT

40 BACK

ROMAN ANTIQUITIES

41 *Bust.* Stolen from Om Qais Museum of antiquities in Jordan. Interpol no. 20050813006.

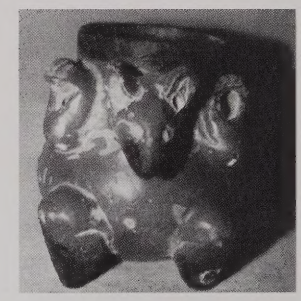
41

ASIAN ART

42 *Sarnath Buddha* (Indian). See color photo on inside back cover.

PRE-COLUMBIAN ART

The following five objects were among 32 items (Mayan, 900–1524 B.C.) stolen from the archaeological site of Mixco Viejo, municipality of Jilotepeque, Guatemala on April 12, 2005. Interpol no. 20050610143:



43

Ceramics, Pottery

43 *Vessel.* Possibly in the shape of an armadillo. Ceramic. Approx. ht.: 13.6 cm.

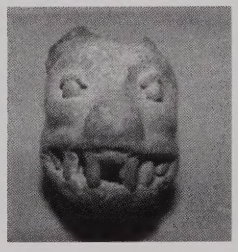
44

44 *Anthropomorphic Figure* (Mayan, 900–1524 d.C.). Ceramic. Approx. ht.: 10.5 cm.

45

45 *Fragment.* Shaped like a crocodile's head. W: 4.9 cm. L: 9.5 cm.

46 *Fragment of a Vessel.* Shaped like a cat's head. W: 5.3 cm. H: 4.0 cm.



46

47

48

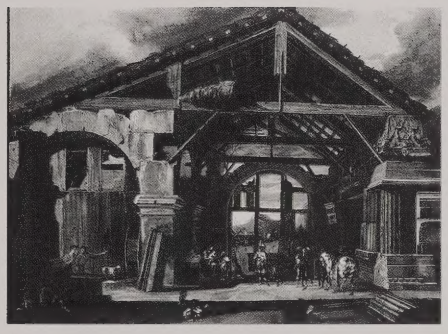
Miscellaneous

47 *Arrowhead.* Obsidian. W: 3.3 cm. L: 3.1 cm.

48 *Fragment from Aguateca Stele 7* (Mayan Classical Period). Limestone. W: 40 cm. L: 30 cm. Stolen from the Central Plaza of the Aguateca archaeological site, Sayaxche, Guatemala on May 11, 2005. Interpol. No. 20050813719.

MISSING ART

PAINTINGS



1

1 VIVIANO CODAZZI (Italian, 1604-1670). *Adoration of the Kings.* Oil on canvas. 135 x 98 cm. *N05.174. Reported missing from a warehouse in New York City in December 2004.

SCULPTURE

2

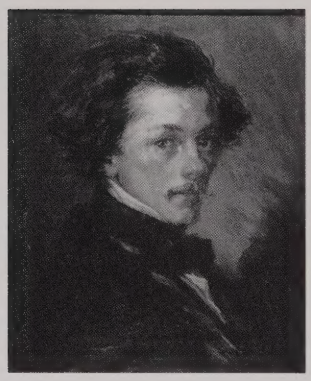
2 *Byzantine Cross* (15th-16th century). Wood and gold, Ht: 2 5/6". *N05.176. Reported missing from a New York warehouse in June 2005.

*Numbering for the year 2005/2006 Cumulative Index of Missing Art begins with this issue.

RECOVERED ART

PAINTINGS

1 JEAN-FRANCOIS MILLET (French, 1814-1875). *Portrait of an Anonymous Man.* Oil on canvas. 40.5 x 32.7 cm. *L05.05. Stolen from the Musée des Beaux-Arts de Reims in France on December 13, 2004. Recovered in September 2005.

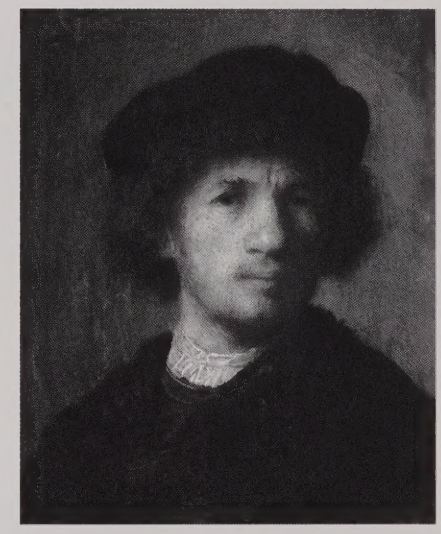


1

The following two paintings, stolen in an armed daylight robbery from the waterfront National Museum in Stockholm, Sweden on December 23, 2000, have been recovered, undamaged. A third painting stolen in the heist, Renoir's *Conversation,* was recovered in 2001:

2 PIERRE-AUGUSTE RENOIR (French, 1841-1919). *Young Parisian.* See color photo on inside back cover.

3 REMBRANDT HARMENSZ. VAN RIJN (Dutch, 1606-1669). *Self-portrait,* 1630. Oil on canvas. Recovered by Danish police, with FBI cooperation, during a sting operation in a hotel in Copenhagen, Denmark in September 2005. Four men were arrested.



3

4 SAMUEL (SAM) COLMAN (American, 1832-1920). *American Hudson,* also known as *Mountains, Castle and Stream,* and *Algiers Night.* Watercolor on paper, 9 3/8" x 16 ¾". Signed: Sam Colman 1883. Stolen from a private residence in Greenwich, CT along with four other paintings and two Tiffany lamps on September 13, 1980. Recovered in Massachusetts in June 2005, and returned to the theft victims on September 9, 2005.

4

---

*Numbering for the year 2005/2006 Cumulative Index of Recovered Art begins with this issue.

5

5 FRANCISCO DE GOYA (Spanish, 1746-1828). *Count Ugolino.* Oil on canvas, comparable in size to a letter envelope. Stolen from a exhibition in Torino, Italy in 2001. Recovered by police in the family home of the Mugosa brothers in the village of Donja Gorica, Montenegro.

JEWELRY

The following items, once owned by Elvis Presley and stolen from the Elvis-A-Rama museum in Las Vegas, NV on March 14, 2004, were recovered in that city in November 2005 (*N04.92) after the thief tried to sell the loot to a retired Elvis impersonator:

6

6 *"EAP" ID Bracelet,* c.1971. 14kt gold mesh bracelet with 5 double-linked strands and the initials "E.A.P." engraved in the center.

Star Ruby Diamond Ring, c.1975. 14kt gold ring with 41ct Star Ruby surrounded by diamonds totaling 3.5 cts.

"Elvis" Gold and Diamond Medallion, c.1973. Round gold medallion with black onyx that spells "Elvis" in diamonds.

"EP" Diamond Pendant and Chain, c.1975. 18kt gold medallion stamped with initials "E.P." with a 0.30 ct diamond after each initial.

Initial "E" Humes High School Ring, c.1953. 10kt gold.

Louisiana Hayride "E Presley Day" Ring.18kt gold and black onyx ring inscribed "LH-55."

ERRATUM

On page 63 of this issue (Vol. 8, no. 1) of *IFAR Journal*, the image for **item 5** in **Recovered Art**, Francisco de Goya's *Count Ugolino*, is incorrect. The correct image appears below.

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6

10

21

42

2

STOLEN ART

6 GEORGES ROUAULT (French, 1871-1958). *Flight into Egypt.* Oil on canvas. 48.6 x 37.5 cm. *No5.127. Stolen along with item nos. 5, 7, and 8 on pp. 54-55, this issue, in January 1979 from a private residence in Illinois and replaced with a copy.

10 CHILDE HASSAM (American, 1859-1935). *Marine Sunset.* Oil on panel. 5" x 8". *No5.120. Stolen from the storage area of a New York gallery in May 2005 along with item no. 9, p. 55, this issue.

21 ALEXANDER CALDER (American, 1898-1976). *Little Roxbury.* Metal. 18.75" x 12" x 11". *No5.75. Stolen from a private residence in Los Angeles, CA in December 2004.

42 *Sarnath Buddha* (Indian). Gray sandstone. Ht.: 24.1 cm. Stolen from the Indian Museum in Kolkata, India on December 29, 2004. Interpol no. 20050610424.

RECOVERED ART

2 PIERRE-AUGUSTE RENOIR (French, 1841-1919). *Young Parisian.* Recovered by the FBI during an investigation of an international crime ring in Los Angeles, CA in the spring of 2005. The recovery was not made public until September 2005. See also item no. 3, p. 62, this issue.

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